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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EDITOR'S NOTES

PUBLICATION ERROR IN THE NOVEMBER 1, 2005, ISSUE OF THE UTAH STATE BULLETIN ON SECTION R994-307-101 (DAR NO. 28283)

Due to a processing error at the Division of Administrative Rules, the text for the filing on Section R994-307-101 (DAR No. 28283) that was published in the November 1, 2005, issue of the *Utah State Bulletin* (2005-21, pg 43) did not contain any marked-up text. Subsection R994-307-101(1)(a)(I) was marked to be deleted and was accidently removed before publishing. The text as it should have appeared is below:

R994. Workforce Services, Unemployment Insurance.
R994-307. Social Costs -- Relief of Charges.
R994-307-101. Relief of Charges to Contributing Employers.

(1) Under the following circumstances a written request is required for relief of charges:

(a) Separation Issues.

(i) Relief may be granted based only on the circumstance which caused the claim to be filed or a separation which occurred prior to the initial filing of the claim. If there is more than one separation from the same employer, charges or relief of charges will be based on the reason for the last separation occurring prior to the effective date of the claim. Separations occurring after the initial filing of a claim do not result in relief of charges on that claim, but may be the basis for relief of charges on a subsequent claim.

(A) The claimant voluntarily left work for that employer due to circumstances which would have resulted in a denial of benefits under Subsection 35A-4-405(1) of the Act.

(B) The separation from that employer would have resulted in an allowance of benefits made under the provisions of "equity and good conscience" under circumstances not caused or aggravated by the employer. For example: If the claimant quit because of a personal circumstance which was not the result of this employment the employer would be relieved of charges. However, if the quit was precipitated by a reduction in the claimant's hours of work, even though the change in working conditions was necessitated by economic conditions, the employer would NOT be relieved of charges.

(C) The claimant quit that employer for health reasons which were beyond reasonable control of the employer. Although the job may have caused or aggravated the health problems, the employer is eligible for relief if it was in compliance with industry safety standards.

(D) The claimant quit work for that employer not because of adverse working conditions, but solely due to a personal decision to accept work with another employer.

(E) The claimant quit work from that employer for personally compelling circumstances not within the employer's power to control or prevent.

(F) The claimant quit new work from that employer after a short trial period, and through no fault of the employer the new work was unsuitable as defined in Subsections 35-4-405(3)(c), (d), and (e).

(G) The claimant was discharged from that employer for circumstances which would have resulted in a denial of benefits under Section 35A-4-405(2) of the Act.

(H) The claimant was discharged for nonperformance due to medical reasons. The employer is eligible for relief:

(I) only if the employer complied with industry health and safety standards, and

(II) the non-performance was due to a chronic medical condition, and

(III) the medical circumstances are expected to continue. The medical problems may be attributed to the worker or to a dependent. A series of unrelated absences attributed to medical problems do not qualify as chronic without medical verification that the conditions will probably continue to cause absences.[

~~(I) The claimant continued to work for an acquiring employer when a portion of the business assets was sold or transferred to another business entity. For the purpose of this rule, employees are not considered assets and there must be an actual sale or transfer of business assets. Because the selling employer lost control of the employees to the acquiring employer, the selling employer may be eligible for relief of charges. Such relief may be sought by a timely written request following the claimant's subsequent claim for benefits. "Continued to work for the acquiring employer" means the claimant began work as soon as work was available for the acquiring employer.~~]

(b) Non-Separation Issues.

(i) When the claimant worked for two or more employers during the base period and is separated from one or more of these employers, but continues in regular part-time work for one of those employers, the nonseparating, part-time employer will not be liable for benefit costs provided;

(A) the claimant earned wages from a nonseparating employer within seven days prior to the date when the claim was filed,

(B) the claimant is not working on an "on call" basis,

(C) the number of hours of work has not been reduced, and

(D) the nonseparating employer makes a request that it not be held liable for benefit costs within ten days of the first notification of the employer's potential liability.

(ii) The employer was previously charged for the same wages which are being used a second time to establish a new claim. For example, as the result of a change in the method of computing the base period, or overlapping base periods due to the effective date of the claim.

(iii) The claimant did not work for the employer during the base period.

(iv) The Department incorrectly used wages which were or should have been correctly reported by the employer in determining the claimant's weekly benefit amount or maximum benefit amount.

(c) The Department may, on its own motion, grant relief of charges without a written request if in the Department representative's discretion there is sufficient information in the record to justify relief.

(2) Under the following circumstances a written request is NOT required for relief of charges:

(a) All employers shall be relieved of benefit costs:

(i) resulting from the state's share of extended benefit payments;

(ii) which, during the same fiscal year, have been designated by the Department as benefit overpayments;

(iii) resulting from combined wage claims that are charged to Utah employers, which are insufficient when separately considered for a monetary claim under Utah law but have been transferred to a paying state;

(iv) resulting from payments made after December 31, 1985 to claimants who have been given Department approval to attend school. Relief is granted only for those benefit costs during the period of Department approval.

(b) An employer shall be relieved of benefit costs if the employer has terminated coverage.

KEY: unemployment compensation, rates
April 1, 2002
Notice of Continuation June 11, 2003
35A-4-303

The Division regrets any inconvenience this may have caused.

Questions regarding this error may be directed to: Nancy Lancaster by phone at (801) 538-3218, by FAX at (801) 538-1773, or by e-mail at nllancaster@utah.gov.

End of the Editor's Notes Section

NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between November 2, 2005, 12:00 a.m., and November 15, 2005, 11:59 p.m. are included in this, the December 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 January 2, 2006. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 31, 2006, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing

R156-44a

Nurse Midwife Practice Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28352
FILED: 11/14/2005, 09:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division is filing amendments to this rule to update incorporated by reference documents and statute citations and to reflect the name change of the national certifying body for certified nurse midwives.

SUMMARY OF THE RULE OR CHANGE: In Sections R156-44a-102 and R156-44a-502, updated revised title and publication dates for documents incorporated by reference. In Section R156-44a-103, updated statute citation reference. In Sections R156-44a-302a and R156-44a-303, deleted the "a" from Section R156-44a-302a as it is not necessary. Also, changed the name of the national certifying body to reflect the current name as revised by the organization.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-44a-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes: "Core Competencies for Basic Midwifery Practice", May 1997 edition, as published by the American College of Nurse Midwives; "Standards for the Practice of Nurse-Midwifery", August 1993 edition, as published by the American College of Nurse Midwives; and "Code of Ethics for Certified Nurse Midwives", May 1990 edition, as published by the American College of Nurse Midwives. Adds: "Core Competencies for Basic Midwifery Practice", May 2002 edition, as published by the American College of Nurse Midwives; "Standards for the Practice of Midwifery", March 2003 edition, as published by the American College of Nurse Midwives; and "Code of Ethics of the American College of Nurse-Midwives", December 2004 edition, as published by the American College of Nurse Midwives

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur costs of approximately $50 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ LOCAL GOVERNMENTS: The Division anticipates no impact on local governments as the proposed amendments only affected licensed certified nurse midwives.

❖ OTHER PERSONS: The Division does not anticipate any costs or savings to licensed certified nurse midwives or the general public as the proposed amendments are merely updating referenced document dates, statute citations and the certifying body name. The updated standards which are incorporated by reference in the rule can be obtained via the respective association's website at no cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any costs or savings to licensed certified nurse midwives or the general public as the proposed amendments are merely updating referenced document dates, statute citations and the certifying body name. The updated standards which are incorporated by reference in the rule can be obtained via the respective association's website at no cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing makes only technical and nonsubstantive amendments to update references and citations. No fiscal impact to businesses is anticipated as a result of this filing. Francine A. Giani, 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:
Laura Poe at the above address, by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at lpoe@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 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-44a. Nurse Midwife Practice Act Rules.
R156-44a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 44a, as used in Title 58, Chapters 1 and 44a or these rules:

(1) "Approved certified nurse midwifery education program" means an educational program which is accredited by the American College of Nurse Midwives.

(2) "CNM" means a certified nurse midwife.

(3) "Delegation" means transferring to an individual the authority to perform a selected nursing task in a selected situation. The nurse retains accountability for the delegation.

(4) "Direct supervision" as used in Section 58-44a-305 means that the person providing supervision shall be available on the premises at which the supervisee or consultee is engaged in practice.

(5) "Generally recognized scope and standards of nurse midwifery" means the scope and standards of practice set forth in

the "Core Competencies for Basic Midwifery Practice", May [~~1997~~]2002, and the "Standards for the Practice of [~~Nurse-~~]Midwifery", [~~August 1993~~]March 2003, published by the American College of Nurse Midwives which are hereby adopted and incorporated by reference, or as established by the professional community.

(6) "Supervision" in Section R156-44a-601 means the provision of guidance or direction, evaluation and follow up by the certified nurse midwife for accomplishment of tasks delegated to unlicensed assistive personnel or other licensed individuals.

(7) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 44a, is further defined in Section R156-44a-502.

R156-44a-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 44a.

R156-44a-302[~~a~~]. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-44a-302([~~5~~]6), the examination required for licensure is the national certifying examination administered by the American [~~College of Nurse Midwives Certification Council, Inc~~]Midwifery Certification Board, Inc.

R156-44a-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 44a is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

(3) Each applicant for licensure renewal shall hold a valid certification from the American [~~College of Nurse Midwives Certification Council, Inc~~]Midwifery Certification Board, Inc.

R156-44a-502. Unprofessional Conduct.

"Unprofessional conduct" includes[~~:~~

~~(1)~~] failure to abide by the "Code of Ethics [~~for Certified~~]of the American College of Nurse-Midwives", [~~May 1990~~]December 2004, published by the American College of Nurse Midwives which is hereby adopted and incorporated by reference.

KEY: licensing, midwifery, certified nurse midwife[~~*~~]
[~~July 5, 2001~~]2006
Notice of Continuation June 10, 2004
58-1-106(1)(a)
58-1-202(1)(a)
58-44a-101

♦ ♦

Commerce, Occupational and Professional Licensing

R156-63-503

Administrative Penalties

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28345
FILED: 11/10/2005, 11:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Security Services Licensing Board and the Division are placing the fine schedule applicable to licensees and unlicensed persons under Title 58, Chapter 63, in the rule. Currently, the existing fine schedule applicable to licensees and unlicensed persons under Title 58, Chapter 63, is a Division policy. Also, the fine schedule that is being added to this rule is being updated and the fines increased over the existing fine amounts.

SUMMARY OF THE RULE OR CHANGE: Section R156-63-503 regarding administrative penalties is being added to the Security Personnel Licensing Act Rules. This new section outlines the fines applicable to licensees and unlicensed persons under Title 58, Chapter 63, who violate various subsections of that statute and the amount of the fine for first, second, and third offenses. The section also establishes guidelines pertaining to the issuance of citations and the fines associated with those citations. The fines in the Division's current existing fine schedule range from $200 to $1,200. The increased fines being proposed in this section range from $800 to $1,600.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: As a result of this proposed rule and the fine schedule amounts being increased, the state budget would realize a positive fiscal impact from this section. It is estimated that the increase in fines would bring in approximately $2,000 in additional revenue each year to the state. The Division will incur minimal costs, approximately $75, to reprint the rule once the proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ LOCAL GOVERNMENTS: The proposed amendment will not affect local governments; therefore, no costs or savings are anticipated. The proposed rule amendment only affects persons who violate the specified sections of Title 58, Chapter 63.

❖ OTHER PERSONS: The proposed amendment will affect persons (both licensed and unlicensed) who violate the specified sections of Title 58, Chapter 63, as outlined in the fine schedule. Since the Division received fine authority for this profession in 2003, 10 citations have been issued with the average fine being $200. It is estimated that in time the new fine schedule being proposed would increase this amount to $500 per citation. The proposed fine schedule would also have an impact on fines collected through stipulated or written agreements; but it is expected this impact would be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division is not able to determine an exact compliance cost to persons affected by the proposed amendment as it would depend on what statute violation they had committed and if the violation was a first, second, or third offense. However, it is estimated that the average increase in cost per citation issued would be $300 for persons who violated the specified sections of Title 58, Chapter 63.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment adopts a fee schedule in accordance with Section 58-63-503. Although still within the ranges permitted by Subsection 58-63-503(3)(h), this fine schedule increases the fine amounts previously applied by the Division of Occupational and Professional Licensing to violators of the Security Personnel Licensing Act. Thus, violators of the Act will be paying approximately $300 more per citation than they did before. Other than this fiscal impact to the regulated industry, no additional fiscal impact to businesses is anticipated. Francine A. Giani, 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 01/02/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/08/2005 at 9:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 4A (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-63. Security Personnel Licensing Act Rules.
R156-63-503. Administrative Penalties.

(1) In accordance with Subsection 58-63-503, the following citation fine schedule shall apply to citations issued under Title 58, Chapter 63:

TABLE

FINE SCHEDULE

FIRST OFFENSE

Violation	Contract Security Company	Armed or Unarmed Security Officer
58-63-501(1)	$ 800.00	N/A
58-63-501(2)	$ 800.00	$ 500.00

SECOND OFFENSE

58-63-501(1)	$1,600.00	$1,000.00
58-63-501(2)	$1,600.00	$1,000.00

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount.

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(5) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.

KEY: licensing, security guards, private security officers
[~~March 4, 2004~~]2006
Notice of Continuation September 1, 2005
58-1-202(1)(a)
58-1-106(1)(a)
58-63-101

♦ ——————————— ♦

Crime Victim Reparations, Administration
R270-1
Award and Reparations Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28355
FILED: 11/15/2005, 12:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes were authorized by the Board to: 1) clarify rules on inpatient, residential and day treatment claims; 2) further define secondary victim inpatient eligibility benefits; 3) expand benefits to include nontraditional cultural services; 4) clarify rules on payment of child endangerment examinations; and 5) exclude wilderness programs as an appropriate treatment modality.

SUMMARY OF THE RULE OR CHANGE: The changes are: 1) adding a review of residential and day treatment claims by Board or contracted agency; 2) all inpatient, residential and day treatment cases less than $1000 can be reviewed by reparation officers; 3) parents, children, and siblings of homicide victims receive primary victim benefit for inpatient, residential and day treatment. This benefit excludes all other secondary victims of other crime types; 4) day treatment is capped at $10,000; 5) wilderness programs will not be considered as a benefit under the Crime Victim Reparations (CVR) program; 6) payment of child endangerment examinations will be considered if no other collateral resource is available to the victim; and 7) benefits are extended to include nontraditional cultural services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-25a-406(c)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The CVR program is funded through surcharges on fines, penalties, and forfeitures on the state and federal level. No State General Fund monies are appropriated. The proposed rule changes would provide an increased cost of approximately $37,000 that would be drawn from the CVR Trust Fund which is managed by the State Office of Crime Victim Reparations.

❖ LOCAL GOVERNMENTS: The State Office of Crime Victim Reparations rules do not affect local government. Therefore, there are no costs or savings to local government.

❖ OTHER PERSONS: There would be an increase in services to some victims which would mean a savings to them because of the award payments made on their behalf.

COMPLIANCE COSTS FOR AFFECTED PERSONS: CVR does not have any compliance costs because the program does not impose fees on victims of crime for services provided.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would not be a fiscal impact on businesses since funding comes from the existing CVR Trust Fund. Dan R. Davis, Director

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

CRIME VICTIM REPARATIONS
ADMINISTRATION
Room 200
350 E 500 S
SALT LAKE CITY UT 84111-3347, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Connie Wettlaufer at the above address, by phone at 801-238-2371, by FAX at 801-533-4127, or by Internet E-mail at cwettlaufer@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 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: Dan Davis, Director

R270. Crime Victim Reparations, Administration.
R270-1. Award and Reparation Standards.
R270-1-4. Counseling Awards.

A. Pursuant to Subsections 63-25a-402(20) and 63-25a-411(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

1. The reparation officer shall approve a standardized treatment plan.

2. The cost of initial evaluation and testing may not exceed $300 and shall be part of the maximum allowed for counseling. For purposes herein, an evaluation shall be defined as diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

3. Primary victims of a crime shall be eligible for a $3500 maximum mental health counseling award.

(a) Parents, children and siblings of homicide victims shall be considered at the same rate as primary victims for inpatient and outpatient counseling.

4. Secondary victims of a crime shall be eligible for a $2000 maximum mental health counseling award.

5. Extenuating circumstances warranting consideration of counseling beyond the maximum may be submitted by the mental health provider after the maximum award has been reached.

6. Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.

7. Inpatient hospitalization, residential and day treatment shall be reviewed by the CVR Board or contracting agency who will make recommendations to the Reparation Officers regarding treatment. The CVR Board or contracting agency will review all levels of care and assign a reimbursement percentage based on the crime. All cases having less than a $1000 balance may be determined by the Reparation Officer. Outpatient cases shall be reviewed at the same rate as inpatient reviews.

[~~7~~]8. In-patient hospitalization shall only be considered when the treatment has been recommended by a licensed therapist in life-threatening situations. [~~In these cases the Crime Victim Reparations Board shall consider reimbursement of in-patient treatment or contract with a managed mental health care provider to make recommendations to the Reparations Officer regarding treatment.~~]A direct relationship to the crime needs to be established. Acute in-patient hospitalization shall not exceed $600 per day, which includes all ancillary expenses, and will be considered payment in full to the provider. Inpatient psychiatric visits will be limited to one visit per day with payment for the visit made to the institution at the highest rate of the individuals providing therapy as set by rule. Reimbursement for testing costs may also be allowed. Parents, children and siblings of homicide victims shall be considered at the same rate as primary victims for inpatient hospitalization. All other secondary victims of other crime types are excluded.[~~Secondary victims shall not be considered for in-patient hospitalization.~~]

[~~8~~]9. Residential and day treatment shall only be considered when the treatment has been recommended by a licensed therapist to stabilize the victim's behavior and symptoms. Only facilities with

24 hour nursing care or 24 hour on call nursing care will be compensated for residential and day treatment. Residential and day treatment shall not be used for extended care of dysfunctional families and containment placements. A direct relationship to the crime needs to be established. Residential treatment shall not exceed $300 per day and will be considered payment in full to the provider. Residential treatment shall be limited to 30 days, unless there are extenuating circumstances requiring extended care. All residential clients shall receive routine assessments from a psychiatrist and/or APRN at least once a week for medication management. Day treatment shall not exceed $200 per day and will be capped at $10,000. These charges will be considered payment in full to the provider. Parents, children and siblings of homicide victims shall be considered at the same rate as primary victims for residential and day treatment. All other secondary victims of other crime types are excluded.[~~Secondary victims shall not be considered for residential or day treatment.~~]

10. Wilderness programs shall not be covered as an appropriate treatment modality when considering inpatient hospitalization, residential or day treatment.

[~~9~~]11. Child sexual abuse victims under the age of 13 who become perpetrators shall only be considered for mental health treatment awards directly related to the victimization. Perpetrators age 13 and over who have been child sexual abuse victims shall not be eligible for compensation. The CVR Board or contracting agency for managed mental health care shall help establish a reasonable percentage regarding victimization treatment for inpatient, residential and day treatment. Out-patient claims shall be determined by the Reparation Officer on a case by case basis upon review of the mental health treatment plan.

[~~10~~]12. Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license that provide certified verification of satisfactory completion of an education and earned degree as required by the State of Utah Department of Commerce, Division of Professional and Occupational Licensing, working under the supervision of a supervisor approved by the Division. Student interns otherwise eligible under 58-1-307(1)(b) Exceptions from licensure, and/or the institution/facility/agency responsible for the supervision of the student, shall not be eligible for payment under this rule for counseling services provided by the student.

[~~11~~]13. Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

[~~12~~]14. The following maximum amounts shall be payable for mental health counseling:

(a) up to $130 per hour for individual and family therapy performed by licensed psychiatrists, and up to $65 per hour for group therapy;

(b) up to $90 per hour for individual and family therapy performed by licensed psychologists and up to $45 per hour for group therapy;

(c) up to $70 per hour for individual and family therapy performed by a licensed master's level therapist or an Advanced Practice Registered Nurse, and up to $35 per hour for group therapy. These rates shall also apply to therapists working towards a license and supervised by a licensed therapist;

(d) The above-mentioned rates shall apply to individuals performing treatment, and not those supervising treatment.

[~~13~~]14. Chemical dependency specific treatment will not be compensated unless the Reparation Officer determines that it is directly related to the crime. The CVR Board may review extenuating circumstance cases.

R270-1-19. Medical Awards.

A. Pursuant to Subsection 63-25a-411(4)(b), medical awards are subject to limitations as follows:

1. All medical costs must be related directly to the victimization and all treatment must be considered usual and customary.

2. The reparation officer reserves the right to audit any and all billings associated with medical care.

3. The reparation officer will not pay any interest, finance, or collection fees as part of the award.

4. After the effective date of this rule, in-patient hospital medical bills shall be reimbursed at a rate established between the CVR office and individual hospitals and shall be considered payment in full. A Memorandum of Agreement shall be signed and kept on file.

5. Child endangerment examinations for children that have been exposed to drugs shall be paid for when the health and safety of the child is at risk and no other collateral source is available. The cost of the exam needs to be an expense incurred by the victim. The writing of evidentiary reports and any form of lab testing shall not be covered as part of the examination.

R270-1-27. Nontraditional Cultural Services.

Cultural services rendered in accordance with recognized spiritual or religious methods of healing, legally available in the state of Utah, may be considered for payment. Since a reasonable and customary schedule of charges has not been established, the reparation officer may require the following: a written itemized description of each procedure, function and/or activity performed and an explanation of its benefit to the victim; the location and time involved to perform such services; and a summary of qualifications and experience which allows the service provider to perform the services. Services shall be requested in lieu of traditional treatment methods. Awards shall be deducted from the claimant's outpatient mental health award and shall remain within the allowed limits set upon that benefit. The fund will not pay for intoxicating or psychotropic substances unless prescribed by a medical practitioner licensed to do so. Claim will be denied if no healing benefit can be identified.

KEY: victim compensation, victims of crimes
[~~July 2, 2004~~]January 3, 2006
Notice of Continuation December 10, 2001
63-25a-401 et seq.

♦ ♦

Environmental Quality, Air Quality
R307-101-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28319
FILED: 11/03/2005, 08:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the changes is to clarify the general definitions that are used throughout Title R307. This amendment is part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform" (see separate filings on Rules R307-401, R307-405, and R307-410 in this issue). (DAR NOTE: The repeal and reenactment on Rule R307-401 is under DAR No. 28325; the repeal and reenactment on Rule R307-405 is under DAR No. 28322; and the amendment to Rule R307-410 is under DAR No. 28323 in this issue.)

SUMMARY OF THE RULE OR CHANGE: In changes are: amend the reference within the definition of "Allowable Emissions" to match the structure of the new text for Rule R307-401; move the definitions of "Best Available Control Technology" and "Indirect Source" from Section R307-101-2 to Rule R307-401 because the terms are used only in the new text for R307-401; move the definitions of "Vertically Restricted Emissions Release" and "Vertically Unrestricted Emissions Release" from Section R307-101-2 to Rule R307-410 because the terms are used only in the amended text for Rule R307-410; delete the definition of "Air Quality Related Value" and Subsection R307-101-2(2) of the definition of "Significant" because they appear in the federal rules that are incorporated by reference in the new text for Rule R307-405; move the definition of "Baseline Date" from Section R307-101-2 to the new text for Rule R307-405.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The state budget is not affected because all costs for permitting are covered by the fees paid by sources.

❖ LOCAL GOVERNMENTS: The definitions are being moved but not changed; therefore, there is no change in costs for sources subject to the rule.

❖ OTHER PERSONS: The definitions are being moved but not changed; therefore, there is no change in costs for sources subject to the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The definitions are being moved but not changed; therefore, there is no change in costs for sources subject to the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Moving the definitions may make a very small difference in costs for businesses, as the rules will be easier to understand and to use. Dianne R. Nielson, Executive Director

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 or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-4099 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The Executive Secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The Executive Secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the executive secretary, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the executive secretary if the executive secretary determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values

for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).[

~~"Air Quality Related Values" means, as used in analyses under R307-401-4(1), Public Notice, those special attributes of a Class I area, assigned by a federal Land Manager, that are adversely affected by air quality.~~]

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-[~~6~~]8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.[

~~"Baseline Date"~~

~~(1) Major source baseline date means:~~

~~(a) in the case of particulate matter:~~

~~(i) for Davis, Salt Lake, Utah, and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;~~

~~(ii) for all other areas of the state, January 6, 1975;~~

~~(b) in the case of sulfur dioxide:~~

~~(i) for Salt Lake County, the date that EPA approves the Sulfur Dioxide maintenance plan that was adopted by the Board on January 5, 2005;~~

~~(ii) for all other areas of the state, January 6, 1975; and~~

~~(c) in the case of nitrogen dioxide, February 8, 1988.~~

~~(2) Minor source baseline date means the earliest date after the trigger date on which the first complete application under 40 CFR 52.21 or R307-405 is submitted by a major source or major modification subject to the requirements of 40 CFR 52.21 or R307-405. The minor source baseline is the date after which emissions from all new or modified sources consume or expand increment, including emissions from major and minor sources as well as any or all general commercial, residential, industrial, and other growth. The trigger date is:~~

~~(a) In the case of particulate matter and sulfur dioxide, August 7, 1977, and~~

~~(b) In the case of nitrogen dioxide, February 8, 1988.~~

~~"Best Available Control Technology (BACT)" means an emission limitation and/or other controls to include design, equipment, work practice, operation standard or combination thereof, based on the maximum degree or reduction of each pollutant subject to regulation under the Clean Air Act and/or the Utah Air Conservation Act emitted from or which results from any emitting installation, which the Air Quality Board, on a case-by-case basis taking into account energy, environmental and economic impacts and other costs, determines is achievable for such installation through application of production processes and available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall applications of BACT result in emissions of any pollutants which will exceed the emissions allowed by Section 111 or 112 of the Clean Air Act.~~]

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

. . . . . .

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.[

~~"Indirect Source" means a building, structure or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.~~]

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

. . . . . .

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.[

~~(2) For purposes of R307-405 it shall also additionally mean for:~~

~~(a) A rate of emissions that would equal or exceed any of the following rates:~~

~~Asbestos: 0.007 tpy;~~

~~Beryllium: 0.0004 tpy;~~

~~Mercury: 0.1 tpy;~~

~~Vinyl Chloride: 1 tpy;~~

~~Fluorides: 3 tpy;~~

~~Sulfuric acid mist: 7 tpy;~~

~~Hydrogen Sulfide: 10 tpy;~~

~~Total reduced sulfur (including H2S): 10 tpy;~~

~~Reduced sulfur compounds (including H2S): 10 tpy;~~

~~Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 grams per year (3.5 x 10^{-6} tons per year);~~

~~Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);~~

~~Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);~~

~~Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year);~~

~~(b) In reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Clean Air Act not listed in (1) and (2) above, any emission rate.~~

~~(c) Notwithstanding the rates listed in (1) and (2) above, any emissions rate or any net emissions increase associated with a major source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 ug/cubic meter, (24 hour average).~~]

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.[

~~"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.~~

~~"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.~~]

"Volatile Organic Compound (VOC)" as defined in 40 CFR 51.100(s)(1), as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions
[~~September 8, 2005~~]2006
Notice of Continuation June 5, 2003
19-2-104

Environmental Quality, Air Quality
R307-110-9
Section VIII, Prevention of Significant Deterioration

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28320
FILED: 11/03/2005, 08:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to reflect the provisions of the revised federal Prevention of Significant Deterioration (PSD) permitting rule (40 CFR 52.21e) which is being incorporated by reference in the new text for Rule R307-405. (DAR NOTE: The repeal and reenactment on Rule R307-405 is under DAR No. 28322 in this issue.)

SUMMARY OF THE RULE OR CHANGE: Section R307-110-9 incorporates by reference Utah's state implementation plan (SIP) for the PSD. Within Section R307-110-9, the only change is to update the date of adoption of the plan from December 18, 1992, to February 1, 2006. The entire existing SIP is repealed and a new SIP is added as an overview of the new federal PSD provisions. On December 31, 2002, EPA published a major revision to the federal PSD program that is commonly referred to as the New Source Review (NSR) Reform Rule. All states are required to submit a SIP revision to EPA that incorporates the NSR Reform provisions by January 2, 2006. The NSR Reform Rule clarifies applicability for determining when a modification qualifies as a major modification, and provides more flexibility for certain types of changes. The PSD SIP is rewritten to provide an overview of the PSD permitting program, which is being incorporated by reference into the new text of Rule R307-405. In addition, some provisions that are in Utah's current PSD rule, Rule R307-405, are moved to the SIP because the provisions are commitments by the State of Utah rather than enforceable rule requirements. These provisions include the process that the Board would follow to reclassify areas within the state for purposes of PSD, including consultation with the Governor and the Legislature.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan, Section VIII, Prevention of Significant Deterioration, February 1, 2006

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: No change in costs is expected to the state budget because all permitting costs are covered by fees paid by the sources.
- LOCAL GOVERNMENTS: It is anticipated that revisions in the PSD SIP will have little effect on the costs of the major New Source Review program for sources owned by local government subject to Rule R307-405. Any changes will be attributable to changes in Rule R307-405, not to the SIP changes. Little change in air pollution is expected.
- OTHER PERSONS: It is anticipated that revisions in the PSD SIP will have little effect on the costs of the major New Source Review program for sources subject to Rule R307-405. Any changes will be attributable to changes in Rule R307-405, not to the SIP changes. Little change in air pollution is expected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that revisions in the PSD SIP will have little effect on the costs of the major New Source Review program for sources subject to Rule R307-405. Any changes will be attributable to changes in Rule R307-405, not to the SIP changes. Little change in air pollution is expected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The revisions made in the PSD SIP give an overview of the major New Source Review program, but do not change any specific requirements for sources. Therefore, no adverse fiscal impact in expected for businesses because of this revision. Dianne R. Nielson, Executive Director

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 or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-4099 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-9. Section VIII, Prevention of Significant Deterioration.

The Utah State Implementation Plan, Section VIII, Prevention of Significant Deterioration, as most recently amended by the Utah Air Quality Board on [~~December 18, 1992~~]February 1, 2006, 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
[~~September 8, 2005~~]2006
Notice of Continuation September 7, 2005
19-2-104(3)(e)

♦ ♦

Environmental Quality, Air Quality
R307-325
Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28321
FILED: 11/03/2005, 08:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the applicability of this rule. This amendment is part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform" (see separate filings on Section R307-110-9, Rule R307-401, and Rule R307-405 in this issue). (DAR NOTE: The amendment to Section R307-110-9 is under DAR No. 28320; the repeal and reenactment on Rule R307-401 is under DAR No. 28325; and the repeal and reenactment on Rule R307-405 is under DAR No. 28322 in this issue.)

SUMMARY OF THE RULE OR CHANGE: Section R307-325-3 requires that best available control technology (BACT) be at least as stringent as any published Control Technique Guidance (CTG) for any new source that locates in an ozone maintenance area. This amendment moves the provisions of Section R307-325-3 to the new version of Subsection R307-401-8(1)(a) so that all permitting requirements are in one place. Section R307-401-10 currently contains the contingency measures to be implemented if the ozone health standards are violated. The provisions of Section R307-401-10 are moved into Section R307-325-4 with other ozone regulations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q), and 40 CFR Part 51, Subpart P

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The state budget is not affected because all costs are covered by the fees paid by affected sources.
❖ LOCAL GOVERNMENTS: Because there are no differences between the current rules and the revised versions, there is no change in costs for sources subject to the rule.
❖ OTHER PERSONS: Because there are no differences between the current rules and the revised versions, there is no change in costs for sources subject to the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because there are no differences between the current rules and the revised versions, there is no change in costs for sources subject to the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be some savings for businesses because the revised rules will be easier for sources to use. Dianne R. Nielson, Executive Director

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:
Mat E. Carlile or Jan Miller at the above address, by phone at 801-536-4136 or 801-536-4042, by FAX at 801-536-0085 or 801-536-4099, or by Internet E-mail at MCARLILE@utah.gov or 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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-325. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.
R307-325-3. [~~New Sources.~~

~~(1) New Sources. When determining best available control technology (BACT) under R307-401-6(1) for a new or modified~~

~~source in an ozone nonattainment area or Salt Lake and Davis Counties, the executive secretary shall review EPA guidance, including Control Technique Guidance (CTG) documents and Alternative Control Technique (ACT) documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.~~

~~R307-325-4.~~]Compliance Schedule.

By September 29, 1981, 180 days after the effective date of R307-325 through 341, all sources shall be in compliance.

R307-325-4. Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties.

If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.h(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as described in R307-401-4(3), unless such requirement is not physically practical or cost-effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under R307-325-4 shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.

KEY: air pollution, emission controls, ozone, RACT[~~*~~]
[~~September 15, 1998~~]2006
Notice of Continuation August 1, 2003
19-2-101
19-2-104

♦ ♦

Environmental Quality, Air Quality
R307-401
Permit: Notice of Intent and Approval Order

NOTICE OF PROPOSED RULE
(Repeal and Reenact)
DAR FILE NO.: 28325
FILED: 11/03/2005, 08:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to clarify and simplify the language of the rule, and to include exemptions that are currently located in Rule R307-413 (see separate filings on Section R307-110-9, Rule R307-325, Rule R307-405, Rule R307-410, and Rule R307-413 in this issue). (DAR NOTE: The amendment to Section R307-110-9 is under DAR No. 28320; the amendment to Rule R307-325 is under DAR No. 28321; the repeal and reenactment on Rule R307-405 is under DAR No. 28322; the amendment to Rule R307-410 is under DAR No. 28323; and the repeal of R307-413 is under DAR No. 28324 in this issue.)

SUMMARY OF THE RULE OR CHANGE: The following current requirements have been moved from Rule R307-401 to other rules: 1) contingency measure requirements for Low-NOx burners that are currently located in Subsection R307-401-10(2) have been moved to Rule R307-325 so that they are located with other ozone-specific requirements; and 2) requirements that apply only to major sources under the Prevention of Significant Deterioration (PSD) have been moved to Rule R307-405. The following requirements have been moved into Rule R307-401 from other rules: 1) the definitions of "indirect source" and "best available control technology (BACT)" have been moved from the general definitions in Section R307-101-2 (see separate filing in this issue) because they are used only in Rule R307-401; 2) other permitting definitions that are currently located in Section R307-101-2 are now repeated in Rule R307-401 for ease of use by the reader; and 3) requirements for the stringency of BACT in ozone nonattainment and maintenance areas have been moved from Section R307-325-3 so that the permitting requirements are located in one place. Exemptions found in Rule R307-413 have been moved to Sections R307-401-9 through R307-401-12, and R307-401-14 through R307-401-16 to clarify that the exemptions apply only to Rule R307-401 and not to Rule R307-403 or Rule R307-405. The following changes have been made to the exemptions that were formerly located in Rule R307-413: 1) sources that are covered by a New Source Performance Standard (NSPS, Rule R307-210) or a National Emission Standard for Hazardous Air Pollutants (NESHAP, Rule R307-214) will be allowed under Section R307-401-9 (formerly Section R307-413-2) to qualify for an exemption as a small source; 2) The exemption for sources that reduce emissions in Section R307-401-12 (formerly Section R307-413-6) has been expanded to apply to any reduction in emissions; 3) the replacement-in-kind provisions in Section R307-401-11 (formerly Section R307-413-5) have been expanded to better describe the kinds of replacements that qualify for the exemption; 4) the registry for de minimis sources in nonattainment areas in Subsection R307-401-9(3) (formerly Subsection R307-413-2(2)) has been changed to a voluntary registry that will apply statewide; 5) the flexibility provisions that were located in Section R307-413-3 have been deleted because the rule has provided little benefit and is routinely misinterpreted. The underlying goals of this exemption are being met through other mechanisms such as flexible permit conditions and the exemption in R307-401-12 for sources that reduce air emissions; and 6) exemptions that were formerly located in Section R307-413-4 that apply to parking lots and emissions of various non-reactive volatile organic compounds have been deleted because they are no longer meeting the intended purpose. A purpose statement has been added to Rule R307-401 to clarify that other permitting rules have independent requirements that also must be met. Additional language has been added to Section R307-401-5 to clarify that a BACT analysis must be included in the notice of intent. Subsection R307-401-6(3) that requires approval by the Air Quality Board for any major source or modification that consumes more than 50 percent of the available increment under PSD has been deleted because concerns about increment consumption are better addressed through other mechanisms. (DAR NOTE: The amendment to Section R307-101-2 is under DAR No. 28319 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 260.01

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's activities in issuing approval orders under Rule R307-401 are covered by fees paid by the sources.
❖ LOCAL GOVERNMENTS: For local governments that own sources that may be subject to this rule, no cost increases are expected as a result of these changes. Overall, the changes may result in some savings for individual sources, but it is not possible to quantify specific savings for future applicants. No significant increases in air pollution are expected, as the changes that expand the exemptions apply to emission decreases or very small increases.
❖ OTHER PERSONS: No cost increases are expected as a result of these changes. Overall, the changes may result in some savings for individual sources, but it is not possible to quantify specific savings for future applicants. No significant increases in air pollution are expected, as the changes that expand the exemptions apply to emission decreases or very small increases.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost increases are expected as a result of these changes. Overall, the changes may result in some savings for individual sources, but it is not possible to quantify specific savings for future applicants. No significant increases in air pollution are expected, as the changes that expand the exemptions apply to emission decreases or very small increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in Rule R307-401, coupled with the changes in other Title R307 rules that are proposed in this issue, clearly separate federal requirements from state requirements, delete requirements that have had no benefit to sources or to the environment, and clarify the language in all the rules. Dianne R. Nielson, Executive Director

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 or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-4099 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
[~~R307-401. Permit: Notice of Intent and Approval Order.~~
~~R307-401-1. Notice of Intent Required.~~
~~(1) Except for the exemptions listed in R307-413, any person intending to construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution or to make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air contaminants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or any person intending to install a control apparatus, or other equipment intended to control emission of air contaminants from a stationary source, shall submit to the executive secretary a notice of intent and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall include the information described in R307-401-2 to determine whether the proposed construction, installation, modification, relocation or establishment will be in accord with applicable requirements of these rules. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the executive secretary shall advise the applicant of any deficiency in the notice of intent or the information submitted. The executive secretary shall transmit to the Administrator, EPA, a copy of each notice of intent for each major source or major modification and provide notice to the Administrator, EPA, of every action related to the consideration of such permit.~~
~~(2) Stationary sources that were in existence prior to November 29, 1969, that have not made any modifications or relocations since that date are not required to submit a notice of intent or to have an approval order; however, these sources are subject to all other applicable requirements of Title R307 and actions taken by the executive secretary and the Board pursuant to existing statutory authorities.~~

~~R307-401-2. Notice of Intent Requirements.~~
~~The following information, where applicable, shall be submitted with the notice of intent:~~
~~(1) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.~~
~~(2) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air contaminant types, and concentration of air contaminants.~~
~~(3) Size, type and performance characteristics of any control apparatus.~~
~~(4) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air contaminant in~~

relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(5) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(6) The typical operating schedule.

(7) A schedule for construction.

(8) Any plans, specifications and related information which are in final form at the time of submission of notice of intent.

(9) Any other information necessary to determine if the proposed source or modification will be in compliance with Title R307.

R307-401-3. Review Period.

Within 90 days of receipt of a complete application including all the information described in R307-401-2, the executive secretary shall either issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of it is inadequate to meet the applicable requirements of R307, or issue an order permitting the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-5 and 6. If more time is needed to review the proposal, it shall not exceed three 30-day extensions.

R307-401-4. Public Notice.

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the executive secretary shall advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment. A copy of the notice of intent to approve or disapprove shall be sent to the applicant, the Administrator, EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: any other state or local air pollution control agencies; the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency; and any state, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification. Any expected consumption of the maximum allowable increases as stated in R307-405 and proposed emission limitations, emission amounts, and any operating limitations shall be included in the notice. The executive secretary shall consider any analysis performed by a Federal Land Manager and provided to the executive secretary within the public comment period. If the executive secretary concurs with a demonstration by the Federal Land Manager that the emissions from the proposed source or modification would have an adverse impact on the air quality related values (including visibility) in any Federal Class I area, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases, the executive secretary shall not issue an approval order for the source or modification.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the executive secretary's analyses of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment Period.

(i) A 10-day public comment period shall be required before an approval order is issued for a new source or for an existing source proposing to modify or relocate, if the source, modification, or relocation is not:

(A) subject to the requirements of R307-405, Prevention of Significant Deterioration of Air Quality (PSD);

(B) subject to the requirements of R307-415, Operating Permit Requirements;

(C) a synthetic minor source in accordance with R307-415-4(6);

(D) located in a nonattainment area or a maintenance area for any pollutant; or

(E) subject to any standard or requirement of 42 U.S.C. 7411 or 7412.

(ii) A request to extend the length of the comment period, up to 30 days, may be submitted anytime within 10 days of the date a notice is published in a newspaper.

(iii) Those sources not subject to the 10-day public comment period are subject to the requirement in (iv) below.

(iv) For any notice of intent proposal not subject to (i) above, a 30-day public comment period is required before an approval order is issued or denied.

(v) A request for a hearing on the executive secretary's proposed approval or disapproval order may be submitted anytime within 10 days or 15 days of the date of a notice in a newspaper under provisions of either (i) or (iv). The hearing shall be held in the area of the proposed construction, installation, modification, relocation or establishment. Any comments or statements received shall be considered before an order is issued or denied.

(vi) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the executive secretary to review plans and specifications.

R307-401-5. Approval Order.

Whenever the executive secretary determines that the information submitted under provisions of R307-401-2, with such revisions as may be required, are in accord with applicable requirements, the executive secretary shall issue an order permitting the proposed construction, installation, modification, relocation or establishment, with the further stipulation that all required facilities be adequately and properly maintained. Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan. To accommodate staged construction of a large source, the executive secretary may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the executive secretary under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-6 shall be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

R307-401-6. Conditions for Issuing Approval Order.

The executive secretary shall issue an approval order if it is determined through plan review that the following conditions have been met:

~~(1) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology except as otherwise provided in Title R307.~~

~~(2) The proposed installation will be in accord with applicable requirements of: Utah Title R307; National Standards of Performance for New Stationary Sources; National Primary and Secondary Ambient Air Quality Standards; National Emission Standards for Hazardous Air Pollutants; new source review criteria; maximum allowable increase and maximum allowable concentration requirements for Prevention of Significant Deterioration; the State Implementation Plan for the area, if the area is classified as a nonattainment or maintenance area; and new source requirements for nonattainment areas under the Federal Clean Air Act.~~

~~(3) The executive secretary shall issue an approval order under R307-405-6 for a major source or major modification which consumes more than 50% of the increments in R307-405-4 only after receiving the approval of the Board.~~

~~R307-401-7. Temporary Relocation.~~

~~The owner or operator of a source previously approved under R307-401 or in a State Implementation Plan may temporarily relocate and operate the source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The executive secretary shall evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the bases for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be sent to the executive secretary at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the executive secretary as requested. To issue a written approval or disapproval, the executive secretary is not required to submit the temporary relocation proposal for public comment.~~

~~R307-401-8. Nonattainment and Maintenance Areas.~~

~~The owner or operator of a major new source or major modification to be located in a nonattainment or maintenance area or which would impact a nonattainment or maintenance area must, in addition to the requirements in R307-401, submit with the notice of intent an adequate analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. The executive secretary shall review the analysis. The analysis and the executive secretary's comments shall be subject to public comment as required by R307-401-4. The preceding shall also apply in Salt Lake and Davis Counties for new major sources or modifications which are considered major for precursors of ozone, including volatile organic compounds and nitrogen oxides.~~

~~R307-401-9. Relaxation of Limitations.~~

~~At a time that a source or modification becomes a major source or major modification because of a relaxation of any enforceable limitation which was established after August 7, 1980, on the capacity of a source or modification otherwise to emit a pollutant, such as a restriction on the hours of operation, then the preconstruction requirements shall apply to the source as though construction had not yet commenced on the source or modification.~~

~~R307-401-10. Low Oxides of Nitrogen Burner Technology.~~

~~(1) All sources excluding non-commercial residential dwellings shall install oxides of nitrogen control/low oxides of nitrogen burners or controls resulting from application of an equivalent technology, as determined by the Executive Secretary, whenever existing fuel combustion burners are replaced, unless such replacement is not physically practical or cost effective. The request for an exemption shall be presented to the Executive Secretary for review and approval.~~

~~(2) Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties. If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.h(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as deseribed in (1), unless such requirement is not physically practical or cost effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under (2) shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.~~

~~R307-401-11. Eighteen Month Review.~~

~~Approval orders issued by the executive secretary in accordance with the provisions of R307-401 shall be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the executive secretary may revoke the approval order.~~]

R307-401. Permit: New and Modified Sources.

R307-401-1. Purpose.

This rule establishes the application and permitting requirements for new sources and modifications to existing sources throughout the State of Utah. Additional permitting requirements apply to larger sources or sources located in nonattainment or maintenance areas. These additional requirements can be found in R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in R307-410 may also apply. Each of the permitting rules establishes independent requirements, and a source must comply with all of the requirements that apply to the source. Exemptions under R307-401 do not affect applicability of the other permitting rules.

R307-401-2. Definitions.

(1) The following additional definitions apply to R307-401.

"Actual emissions" (a) means the actual rate of emissions of an air contaminant from an emissions unit, as determined in accordance with paragraphs (b) through (d) below.

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air contaminant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The executive secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The executive secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air contaminant which would be emitted from any proposed stationary source or modification which the executive secretary, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the executive secretary determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air contaminant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

"Potential to emit" means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air contaminant.

R307-401-3. Applicability.

(1) R307-401 applies to any person intending to:

(a) construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution, or

(b) make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air contaminants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or

(c) install a control apparatus or other equipment intended to control emissions of air contaminants from a stationary source.

(2) R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.

(a) Exemptions contained in R307-401 do not affect applicability or other requirements under R307-403, R307-405 or R307-406.

(b) Exemptions contained in R307-403, R307-405 or R307-406 do not affect applicability or other requirements under R307-401, unless specifically authorized in this rule.

R307-401-4. General Requirements.

The general requirements in (1) through (3) below apply to all new and modified sources, including sources that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on a source shall be adequately and properly maintained.

(2) If the executive secretary determines that an exempted source is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, then the executive secretary may require the source to submit a notice of intent and obtain an approval order in accordance with R307-401-5 through R307-401-8. The executive secretary will complete an appropriate analysis and evaluation in consultation with the source owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in (b) below, whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the executive secretary, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the executive secretary for review and approval prior to beginning construction.

(b) The provisions of (a) above do not apply to non-commercial, residential buildings.

R307-401-5. Notice of Intent.

(1) Except as provided in R307-401-9 through R307-401-17, the owner or operator of any stationary source subject to R307-401 shall submit a notice of intent to the executive secretary and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall be in a format specified by the executive secretary.

(2) The notice of intent shall include the following information:

(a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(b) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air contaminant types, and concentration of air contaminants.

(c) Size, type and performance characteristics of any control apparatus.

(d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

(e) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air contaminant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(g) The typical operating schedule.

(h) A schedule for construction.

(i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.

(j) Any additional information required by:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or

(vi) R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County.

(k) Any other information necessary to determine if the proposed source or modification will be in compliance with Title R307.

R307-401-6. Review Period.

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the executive secretary will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days of receipt of a complete application including all the information described in R307- 401-5, the executive secretary will

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-8, or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of the proposal is inadequate to meet the applicable requirements of R307.

(3) The review period under (2) above may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the executive secretary will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the executive secretary's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A ten-day public comment period will be established.

(ii) The public comment period in (i) above will be increased to 30 days for any source that is:

(A) subject to the requirements of R307-405, Permits: Major Sources in Attainment or Unclassified Areas,

(B) subject to the requirements of R307-406, Visibility,

(C) subject to the requirements of R307-415, Operating Permit Requirements;

(D) a synthetic minor source in accordance with R307-415-4(6);

(E) located in a nonattainment area or a maintenance area for any pollutant; or

(F) subject to any standard or requirement of 42 U.S.C. 7411 or 7412.

(iii) A request to extend the length of the comment period, up to 30 days, may be submitted to the executive secretary:

(A) within 10 days of the date the notice in (1) above is published for comment periods established under (i), or

(B) within 15 days of the date the notice in (1) above is published for comment periods established under (ii).

(iv) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the executive secretary:

(A) within 10 days of the date the notice in (1) above is published for comment periods established under (i) above, or

(B) within 15 days of the date the notice in (1above is published for comment periods established under (ii) above.

(v) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.

(vi) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the executive secretary to review plans and specifications.

(3) The executive secretary will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

R307-401-8. Approval Order.

(1) The executive secretary will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.

(b) The proposed installation will meet the applicable requirements of:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

(vi) R307-210, National Standards of Performance for New Stationary Sources;

(vii) National Primary and Secondary Ambient Air Quality Standards;

(viii) R307-214, National Emission Standards for Hazardous Air Pollutants;

(ix) R307-110, Utah State Implementation Plan; and

(x) all other provisions of R307.

(2) The approval order will require that all pollution control equipment be adequately and properly maintained.

(3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan.

(4) To accommodate staged construction of a large source, the executive secretary may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the executive secretary under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-8(1) and (2) will be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the executive secretary determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the executive secretary will not issue an approval order.

R307-401-9. Small Source Exemption.

(1) A small stationary source is exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM_{10}, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (a)(or (b) above and less than 2000 pounds per year of any combination of air contaminants not listed in (a) or (b) above.

(d) Air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption - Registration. The executive secretary will maintain a registry of sources that are claiming an exemption under R307-401-9. The owner or operator of a stationary source that is claiming an exemption under R307-401-9 may submit a written registration notice to the executive secretary. The notice shall include the following minimum information:

(a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(4) An exemption under R307-401-9 does not affect the requirements of R307-401-16, Temporary Relocation.

R307-401-10. Source Category Exemptions.

The following source categories described in (1) through (5) below are exempted from the requirement to obtain an approval order. The general provisions in R307-401-4 shall apply to these sources.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6,

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products.

R307-401-11. Replacement-in-Kind Equipment.

(1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:

(a) the potential to emit of the process equipment is the same or lower;

(b) the number of emission points or emitting units is the same or lower;

(c) no additional types of air contaminants are emitted as a result of the replacement;

(d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;

(e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;

(f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;

(g) the replaced process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and

(h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

(2) Replacement-in-Kind Procedures.

(a) In lieu of filing a notice of intent under R307-401-5, the owner or operator of a stationary source shall submit a written notification to the executive secretary before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

(b) If the replacement-in-kind meets the conditions of (1) above, the executive secretary will update the source's approval order and notify the owner or operator. Public review under R307-401-7 is not required for the update to the approval order.

(3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

R307-401-12. Reduction in Air Contaminants.

(1) Applicability. The owner or operator of a stationary source of air contaminants that reduces or eliminates air contaminants is exempt from the approval order requirements of R307-401-5 through 8 if:

(a) the project does not increase the potential to emit of any air contaminant or cause emissions of any new air contaminant, and

(b) the executive secretary is notified of the change and the reduction of air contaminants is made enforceable through an approval order in accordance with (2) below.

(2) Notification. The owner or operator shall submit a written description of the project to the executive secretary no later than 60 days after the changes are made. The executive secretary will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under R307-401-7 is not required for the update to the approval order.

R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under R307-405-21 does not exempt a stationary source from the requirements of R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1 that incorporates by reference the term "boiler" in 40 CFR 260.10, 2000 ed., as amended by 67 FR 2962, January 22, 2002.

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;

(b) contamination levels of all used oil to be burned do not exceed any of the following values:

(i) arsenic - 5 ppm by weight,

(ii) cadmium - 2 ppm by weight,

(iii) chromium - 10 ppm by weight,

(iv) lead - 100 ppm by weight,

(v) total halogens - 1,000 ppm by weight,

(vi) Sulfur - 0.50% by weight; and

(c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the executive secretary to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or his representative upon request. Records must be kept for a three-year period.

R307-401-15. Air Strippers and Soil Venting Projects.

(1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of R307-401-5 through 8 if the following conditions are met:

(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-401-9(1)(a), and

(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-4(1)(d).

(2) The owner or operator shall submit documentation that the project meets the exemption requirements in (1) above to the executive secretary prior to beginning the remediation project.

(3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the executive secretary to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in (1) above are not exceeded. Emissions estimates of volatile organic compounds and hazardous air pollutants shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8020 or #8021 or other test or monitoring method approved by the executive secretary. Results of the test and calculated annual

quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the executive secretary within one month of sampling. The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the executive secretary.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under R307-401-15:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

R307-401-16. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of R307-401-5 through 8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the executive secretary prior to beginning the remediation project:

(1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in R307-401-9(1)(a);

(2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-4(1)(d); and

(3) the location of the remediation and where the remediated material originated.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The executive secretary will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the bases for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the executive secretary at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the executive secretary as requested. R307-401-7, Public Notice, does not apply to temporary relocations under R307-401-16.

R307-401-18. Eighteen Month Review.

Approval orders issued by the executive secretary in accordance with the provisions of R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the executive secretary may revoke the approval order.

R307-401-19. Analysis of Alternatives.

The owner or operator of a major new source or major modification to be located in a nonattainment or maintenance area or which would impact a nonattainment or maintenance area must, in addition to the requirements in R307-401, submit with the notice of intent an adequate analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. The executive secretary shall review the analysis. The analysis and the executive secretary's comments shall be subject to public comment as required by R307-401-7. The preceding shall also apply in Salt Lake and Davis Counties for new major sources or modifications which are considered major for precursors of ozone, including volatile organic compounds and nitrogen oxides.

R307-401-20. Relaxation of Limitations.

At a time that a source or modification to be located in a nonattainment or maintenance area or which would impact a nonattainment or maintenance area becomes a major source or major modification because of a relaxation of any enforceable limitation which was established after August 7, 1980, on the capacity of a source or modification otherwise to emit a pollutant, such as a restriction on the hours of operation, then the preconstruction requirements shall apply to the source as though construction had not yet commenced on the source or modification.

KEY: air pollution, permits, approval order[*]
[~~September 15, 1998~~]2006
Notice of Continuation August 11, 2003
19-2-104(3)(q)
19-2-108

Environmental Quality, Air Quality
R307-405
Permits: Major Sources in Attainment or Unclassified Areas (PSD)

NOTICE OF PROPOSED RULE
(Repeal and Reenact)
DAR FILE NO.: 28322
FILED: 11/03/2005, 08:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to incorporate the new federal Prevention of Significant Deterioration (PSD) permitting rule in 40 CFR 52.21 by reference, thereby making the federal NSR reform provisions effective in Utah. On December 31, 2002, EPA published a major revision to the federal PSD program that is commonly referred to as the New Source Review (NSR) Reform Rule. All states are required to submit a SIP revision to EPA that incorporates the NSR Reform Provisions by January 2, 2006. In other states, there have been concerns that this new federal rule will allow older uncontrolled sources to continue to operate without installing

pollution controls. However, Utah has few old sources that are grandfathered under current Utah rules and under the new federal rule. Further, emissions in urban areas have been controlled through state implementation plans to meet the federal health standards for ozone, PM10, carbon monoxide and sulfur dioxide; the effect of the NSR reform provisions on those sources is minimal. Finally, Utah rules require that all modifications that increase emissions, including those not subject to the federal PSD program, meet best available control technology (BACT) standards (see separate filings in this issue on related rules; Section R307-101-2, Rule R307-401, Rule R307-410, Rule R307-413, and Rule R307-325.) (DAR NOTE: The amendment to Section R307-101-2 is under DAR No. 28319; the repeal and reenactment on Rule R307-401 is under DAR No. 28325; the amendment to Rule R307-410 is under DAR No. 28323; the repeal of Rule R307-413 is under DAR No. 28324; and the amendment to Rule R307-325 is under DAR No. 28321 in this issue.)

SUMMARY OF THE RULE OR CHANGE: On December 31, 2002, EPA published a major revision to the federal PSD program that is commonly referred to as the NSR Reform Rule. All states are required to submit a State Implementation Plan (SIP) revision to EPA that incorporates the NSR Reform Provisions by January 2, 2006. The NSR Reform Rule clarifies applicability for determining when a modification qualifies as a major modification, and provides more flexibility for certain types of changes. The major changes to the federal rule are: 1) applicability: the NSR Reform Rule made several changes to the applicability provisions. First, the new rule allows sources to use any 2-year period within the last 10 years to determine baseline emissions. Second, the new rule allows sources to compare current actual emissions to projected future actual emissions to determine if an emission increase qualifies as a major modification. This test may be used only if the source agrees to monitor and report emissions to guarantee that the projected emission estimate is accurate; and 2) plantwide applicability limits (PAL): the new rule allows a source to establish a plantwide emission cap based on actual emissions. The source can then make changes to the facility or individual emission units without requiring a revised PSD permit as long as total emissions stay below the PAL. A PAL is created per pollutant, and can be created for an entire facility or a subset of units within a facility. Changes have been made to the incorporated language to adapt the federal language to Utah?s regulatory program. Some sections of the federal regulation could not be easily incorporated by reference, such as the designation of areas within the state and the public comment process. These requirements are included in the rule text. Incorporation by reference will result in other minor changes to the PSD requirements due to small differences between the federal language in 40 CFR 52.21 and the current PSD rule. The Board does not believe that any of these other changes will be significant. In addition, some provisions that are in Utah's current PSD rule, Rule R307-405, are moved to the SIP because the provisions are commitments by the State of Utah rather than enforceable rule requirements. These provisions include the process that the Board would follow to reclassify areas within the state for purposes of PSD, including consultation with the Governor and the Utah Legislature. The PSD SIP was also rewritten to provide an overview of the PSD permitting program (see separate filing in this issue on Section R307-110-9). The following federal provisions are not included in this incorporation by reference: 1) the routine maintenance, repair, and replacement provisions that were adopted by EPA on October 27, 2003, and then stayed by the DC Circuit Court of Appeals on December 23, 2003, pending appeal; 2) Clean Unit and Pollution Control Project provisions that were vacated by the DC Circuit Court of Appeals on June 4, 2005; and 3) numerous outdated provisions in the federal PSD rule that are no longer applicable.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 52.21, 40 CFR 52.01, and 40 CFR 51.166

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's activities in issuing approval orders under Rule R307-405 are covered by fees paid by the sources.

❖ LOCAL GOVERNMENTS: These rule revisions may potentially reduce the regulatory burden associated with the major New Source Review program for sources owned by local government, subject to Rule R307-405, by improving the clarity of requirements, and providing alternatives that sources may use to further improve their operational flexibility. Therefore, some cost savings may be expected for some local governments.

❖ OTHER PERSONS: These rule revisions may potentially reduce the regulatory burden associated with the major New Source Review program for sources subject to Rule R307-405, by improving the clarity of requirements, and providing alternatives that sources may use to further improve their operational flexibility. Therefore, some cost savings may be expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These rule revisions may potentially reduce the regulatory burden associated with the major New Source Review program for sources subject to Rule R307-405, by improving the clarity of requirements, and providing alternatives that sources may use to further improve their operational flexibility. Therefore, cost savings may be expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The revisions made to R307-405 may reduce some costs for complying with the major New Source Review program. Therefore, no adverse fiscal impact in expected for businesses because of this revision. Dianne R. Nielson, Executive Director

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 or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-4099 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-405. Permits: Prevention of Significant Deterioration of Air Quality (PSD).
[~~R307-405-1. Definitions.~~

~~The following additional definitions apply to R307-405:~~

~~"Baseline Area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the federal Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 ug/m3 (annual average) of the pollutant for which the minor source baseline date is established.~~

~~(1) Area redesignations under section 107(d)(1)(D) or (E) of the federal Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:~~

~~(a) Establishes a minor source baseline date; or~~

~~(b) Is subject to 40 CFR 52.21 or R307-405, and would be constructed in the same state as the state proposing the redesignation.~~

~~"Baseline Concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.~~

~~"Major Modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Clean Air Act.~~

~~(1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.~~

~~(2) A physical change or change in the method of operation shall not include:~~

~~(a) routine maintenance, repair, and replacement;~~

~~(b) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;~~

~~(c) use of an alternative fuel by reason of an order or rule under section 125 of the Clean Air Act;~~

~~(d) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;~~

~~(e) use of an alternative fuel or raw material by a source which:~~

~~(i) the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition; or~~

~~(ii) the source is approved to use;~~

~~(f) an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition;~~

~~(g) any change in ownership at a source~~

~~(h) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the executive secretary determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:~~

~~(i) when the executive secretary has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and~~

~~(ii) the executive secretary determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.~~

~~(i) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:~~

~~(i) the Utah State Implementation Plan; and~~

~~(ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.~~

~~(j) the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.~~

~~(k) the reactivation of a very clean coal-fired electric utility steam generating unit.~~

~~"Major Source" means:~~

~~(1) any of the following sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Clean Air Act: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;~~

~~(2) any other source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant; or~~

~~(3) a source which does not otherwise qualify as a major source as defined in this paragraph, but which is physically changed, which change itself would constitute a major source.~~

~~(4) a source which is major for volatile organic compounds is major for ozone.~~

(5) The fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
(a) Coal cleaning plants (with thermal dryers);
(b) Kraft pulp mills;
(c) Portland cement plants;
(d) Primary zinc smelters;
(e) Iron and steel mills;
(f) Primary aluminum ore reduction plants;
(g) Primary copper smelters;
(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(i) Hydrofluoric, sulfuric, or nitric acid plants;
(j) Petroleum refineries;
(k) Lime plants;
(l) Phosphate rock processing plants;
(m) Coke oven batteries;
(n) Sulfur recovery plants;
(o) Carbon black plants (furnace process);
(p) Primary lead smelters;
(q) Fuel conversion plants;
(r) Sintering plants;
(s) Secondary metal production plants;
(t) Chemical process plants;
(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) Taconite ore processing plants;
(x) Glass fiber processing plants;
(y) Charcoal production plants;
(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

R307-405-2. Area Designations.
All areas of the State shall be designated as Class I, II, or III.
(1) Pursuant to section 162(a) of the federal Clean Air Act the following areas are designated as mandatory Class I:
(a) Arches National Park
(b) Bryce Canyon National Park
(c) Canyonlands National Park
(d) Capitol Reef National Park
(e) Zion National Park
(2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas of the State are designated as Class II unless redesignated as provided in R307-405-3 or are designated as nonattainment areas.

R307-405-3. Area Redesignation.
(1) Within the restrictions and requirements of this paragraph, the Board may submit to the Governor for decision a recommendation to redesignate areas from any class to any other class.
(2) In accordance with Section 162(a) of the federal Clean Air Act, areas designated as Class I under R307-405-2 may not be redesignated.
(3) In accordance with Section 164(a) of the federal Clean Air Act, the following areas may be redesignated only as Class I or II.
(a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and
(b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.
(4) Except as provided in (2), (3) and (6) the Board may submit to the Governor for decision a recommendation to redesignate areas of the State as Class III if:
(a) There has been compliance with the requirements of (5) below.
(b) Such redesignation will not cause, or contribute to, concentrations of any air pollutant which exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and
(c) Any permit application for any major source or major modification which could receive an approval order only if the area in question were redesignated as Class III, and any material submitted as part of that notice of intent were available, insofar as practicable, prior to any public hearing or redesignation.
In accordance with Section 164 of the federal Clean Air Act, redesignations to Class III may be approved by the Governor only after consultation with appropriate committees of the legislature and if units of local government representing a majority of the residents of the proposed area to be redesignated enact ordinances concurring in the redesignation.
(5) Prior to submittal to the Governor of a recommendation to redesignate any area:
(a) Notice shall be published in each daily newspaper in the affected area and written notice shall be made to local government units, other states, Indian governing bodies, Federal Land Managers whose lands may be affected by the proposed redesignation and public hearings shall be conducted in the affected areas. Such notice shall be made at least 30 days prior to the public hearing and include a statement of the availability of the discussion outlined in (b) below. Prior to the issuance of a notice under this paragraph respecting the redesignation of any Federal lands, a written notice shall be given to the appropriate Federal Land Manager who shall be afforded opportunity (not to exceed 60 days) to confer with the Board respecting the redesignation and to submit written comments and recommendations. In recommending redesignation of any area with respect to which a Federal Land Manager has submitted comments the Board shall publish a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for recommending such redesignation against the recommendation of the Federal Land Manager; and
(b) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation, will be prepared and made available for public inspection at least 30 days prior to the hearing. Any person who petitions the Board for redesignation of an area may be required to prepare and submit this analysis to the Board.
(6) Lands within the exterior boundaries of reservations of federally recognized Indian Tribes may be redesignated only by the appropriate Indian body as provided in Section 164 of the Clean Air Act.

R307-405-4. Increments and Ceilings.
(1) In Class I, II, or III areas, the maximum allowable increases in concentrations of sulfur dioxide, nitrogen dioxide and particulate matter

over baseline concentrations of such pollutants are limited to the following:

TABLE

(1) Maximum Allowable Increase (ug/m3)

Pollutant	Class I	Class II	Class III
PM10:			
Annual Arithmetic Mean	4	17	34
24 hr. Maximum	8	30	60
Sulfur Dioxide:			
Annual Arithmetic Mean	2	20	40
24 hr. Maximum	5	91	182
3 hr. Maximum	25	512	700
Nitrogen Dioxide:			
Annual Arithmetic Mean	2.5	25	50

Note (1): At any one location, the maximum allowable increase for other than the annual period may be exceeded once each year. For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(2) Variances to Class I areas will be allowed only after compliance with the requirements of and within the increments provided in Section 165 of the federal Clean Air Act, or in the case of PM10 increments, only after compliance with the Title 40 of the Code of Federal Regulations, Section 51.166(p)(4) (as amended see the June 3, 1993 Federal Register notice, 58 FR 31637) which is hereby incorporated by reference.

(3) In any area, no resultant concentration of any air pollutant shall exceed the concentration permitted under either the national secondary or primary ambient air quality standard whichever concentration is lowest for the pollutant for a period of exposure.

(4) Exclusions from increment consumption. The following concentrations shall be excluded in determining compliance with a maximum allowable increase:

(a) Concentrations attributable to the increase in emissions from sources which have converted from:

(i) the use of petroleum products, natural gas, or both by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974; or

(ii) using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, over the emissions from such sources before the effective date of such an order or plan.

No exclusion of such concentrations shall apply more than five years after the effective date of the order or the plan. If both an order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(b) Concentrations of PM10 attributable to the increase in emissions from construction or other temporary emission related activities.

(c) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides or PM10 from sources which are affected by plan revisions approved by EPA as meeting the criteria specified in 40 CFR 51.166(f)(4).

R307-405-5. Baseline Concentration and Date.

(1) Baseline concentration. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(a) The actual emissions representative of sources in existence on the applicable minor source baseline date except as provided in (2) below;

(b) The allowable emissions of major sources which commence construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(2) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(a) actual emissions from any major source on which construction commenced after the major source baseline date, and

(b) actual emissions increases and decreases at any source occurring after the minor source baseline date.

(3) Baseline date. The minor source baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(a) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the federal Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21, or R307-405; and

(b) in the case of a major source the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant. With respect to particulate matter, significant shall mean significant for PM10.

(4)(a) Any minor source baseline date established originally for increments of total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary may rescind any such minor source baseline date where it can be shown to the executive secretary's satisfaction that the emissions increase from the major stationary source or the net emissions increase from the major modification responsible for triggering that date did not result in a significant amount of PM10 emissions.

(b) Any baseline area established originally for the increments of total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that such baseline area shall not remain in effect if the executive secretary rescinds the corresponding minor source baseline date in accordance with(a) above.

R307-405-6. PSD Areas - New Sources and Modifications.

(1) Emission Limitations. Any source constructed or modified in a PSD area must meet all applicable emissions requirements of R307 and the Utah State Implementation Plan. A proposed source or modification which is not a major source or major modification may be approved without meeting the requirements in (2) below, provided such source meets all other applicable requirements of these regulations. The emission limitations shall be stated as conditions of the approval order.

(2) Major Source and Major Modification Review. Every new major source or major modification must be reviewed by the Executive Secretary to determine the air quality impact of the source to include a determination whether the source will cause or contribute to a violation of the maximum allowable increases or the NAAQS in any area. The determination of air quality impact will be made as of the source's projected start-up date. Such determination shall take into account all allowable emissions of approved sources or modifications whether constructed or not, and, to the extent practicable, the cumulative effect on air quality of all sources and growth in the affected area.

(a) In addition to meeting all other requirements of these regulations, any major source or major modification which would be constructed in a PSD area, shall:

(i) Provide the following additional information with the notice of intent required pursuant to R307-401:

(A) An analysis of the air quality impact of the source or modification and a demonstration that allowable emissions increases from the source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), will not cause or contribute to a violation of any maximum allowable increase over the baseline concentration in any area or any NAAQS in any area.

(B) An analysis of ambient air quality in the affected area for each pollutant that a new source would have the potential to emit in a significant amount, and for each pollutant for which a modification would result in a significant net emissions increase. With respect to any such pollutant for which no NAAQS exists, the analysis shall contain such air quality monitoring data as the Executive Secretary determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect. With respect to any such pollutant (other than non-methane hydrocarbons) for which such a NAAQS does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase in any area that the emissions of that pollutant would affect. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the notice of intent, except that, if the Executive Secretary determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period. Any data used in the analysis must be gathered using EPA reference methods or equivalent and quality assurance procedures equivalent to 40 CFR Part 58, Appendix B. A monitoring plan will be submitted to the Executive Secretary for approval prior to data collection. The Executive Secretary may grant exceptions or modifications to these monitoring requirements when not inconsistent with federal law.

(C) Upon request of the Executive Secretary, the air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and the air quality impact of any or all general commercial residential, industrial, and other growth which has occurred since the minor source baseline date in the area the source or modification would affect.

(D) An analysis of the air quality related impact of the source or modification including an analysis of the impairment to visibility, soils, and vegetation and the projected air quality impact from general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(ii) After construction of the source or modification, conduct such ambient air quality monitoring as the Executive Secretary determines may be necessary to establish the effect which the emissions from the source or modification may have on the air quality in any area.

(b) If the Executive Secretary finds that the emissions from a proposed major source or major modification would cause a violation of any maximum allowable increase over the baseline concentration in any area, the Executive Secretary shall approve the proposed source if and only if:

(i) the new source or modification is required to meet a more stringent emission limitation sufficient to avoid a violation of the maximum allowable increase and/or

(ii) the new source or modification has acquired sufficient offset to avoid a violation of the maximum allowable increase, and

(iii) the new emission limitations for the proposed source and for any affected existing sources are enforceable.

(c) If the Executive Secretary finds that the emissions from a proposed major source or major modification would contribute to a known violation of any maximum allowable increase over the baseline concentration in any area, the Executive Secretary shall approve the proposed source if and only if:

(i) the new source or modification has acquired sufficient emission offset so as to provide a positive net air quality benefit in the affected area, and

(ii) any new emission limitations for affected existing sources are enforceable.

(3) The requirements of (2)(a) above shall not apply to a major source or major modification if:

(a) The source is a portable stationary source which has previously received a permit under this paragraph, and

(i) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and

(ii) The emissions from the source would not exceed its allowable emissions; and

(iii) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated;

(b) The source or modification would be a non-profit health or non-profit educational institution and the Board approves a request that it be exempt from those requirements.

(c) The source or modification would be a major source or major modification only if fugitive emission and fugitive dust, to the extent quantifiable, are considered in calculating the potential to emit of the source or modification and the source does not belong to any of the following categories:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum or reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

~~(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;~~
~~(xxiii) Taconite ore processing plants;~~
~~(xxiv) Glass fiber processing plants;~~
~~(xxv) Charcoal production plants;~~
~~(xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;~~
~~(xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.~~
~~(d) With respect to a particular pollutant, the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:~~
~~(i) would impact no Class I area and no area where an applicable increment is known to be violated, and~~
~~(ii) would be temporary.~~
~~(4) The requirements of (2)(a) above as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a source that was in existence on March 1, 1978, if the net increase in allowable emissions for each pollutant from the modification after the application of best available control technology would be less than 50 tons per year.~~
~~(5)(a) The requirements of (2)(a)(i)(A) above pertaining to the impact analysis shall not apply to a source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted a notice of intent before October 15, 1990, and the Executive Secretary subsequently determined that the notice of intent as submitted before that date was complete.~~
~~(b) The requirements of (2)(a)(i)(A) above concerning an analysis of the maximum allowable increase over the baseline concentration shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM10 if the owner or operator of the source or modification submitted an application for a permit before December 15, 1994, and the executive secretary subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements shall be with respect to the maximum allowable increases for total suspended particulates as in effect on the date the application was submitted. These increments were, for the annual geometric mean: 5, 19, and 37 micrograms/cubic meter for Class I, II and III areas respectively and, for the 24 hour maximum: 10, 37 and 75 micrograms/cubic meter for Class I, II and III areas respectively.~~
~~(6) Exemption - Monitoring Requirement~~
~~(a) The Executive Secretary may grant exceptions or modifications to the monitoring requirements in (2)(a)(i)(B) above which are not inconsistent with federal law.~~
~~(b) The Executive Secretary may exempt a stationary source or modification from the requirements of (2)(a)(i)(B) above with respect to monitoring for a particular pollutant if:~~
~~(i) The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:~~
~~Carbon monoxide - 575 ug/m3, 8-hour average;~~
~~Nitrogen dioxide - 14 ug/m3, annual average;~~
~~PM10 - 10 micrograms/cubic meter, 24-hour average;~~
~~Sulfur dioxide - 13 ug/m3, 24-hour average;~~
~~Lead - 0.1 ug/m3, 24-hour average;~~
~~Mercury - 0.25 ug/m3, 24-hour average;~~
~~Beryllium - 0.0005 ug/m3, 24-hour average;~~
~~Ozone - No de minimis air quality level is provided for ozone. However, any proposed source or modification subject to PSD with net increase of 100 tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data;~~
~~Fluorides - 0.25 ug/m3, 24-hour average;~~
~~Vinyl chlorides - 15 ug/m3, 24-hour average;~~
~~Total reduced sulfur - 10 ug/m3, 1-hour average;~~
~~Hydrogen sulfide - 0.04 ug/m3, 1-hour average;~~
~~Reduced sulfur compounds - 10 ug/m3, 1-hour average; or~~
~~(ii) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed or the pollutant is not listed in (i) above.~~

~~R307-405-7. Increment Violations.~~
~~Where the Board determines that an increment under R307-405-4 is violated, the Board shall promulgate a plan and implement regulations to eliminate the violation.~~

~~R307-405-8. Banking of Emission Offset Credit in PSD Areas.~~
~~Banking of emission offset credits in PSD areas will be permitted. To preserve banked emission reductions the Executive Secretary must identify them in either the Utah SIP or an order and shall provide a registry to identify the person, private entity, or government authority that has the right to use or allocate the banked emission reduction and to record any transfer of or lien on these rights.~~]

R307-405-1. Purpose.
This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were stayed by the DC Circuit Court of Appeals on December 23, 2003, pending appeal. This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005. This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.
(1) Except as provided in (2), the provisions of 40 CFR 52.21(a)(2), effective March 3, 2003, are hereby incorporated by reference.
(2)(a) The provisions in 40 CFR 52.21(a)(2)(iv)(e) are not incorporated by reference.
(b) The last sentence in 40 CFR 52.21(a)(2)(iv)(f) is not incorporated by reference.
(c) The provisions in 40 CFR 52.21(a)(2)(vi) are not incorporated by reference.

R307-405-3. Definitions.
(1) Except as provided in (2)below, the definitions contained in 40 CFR 52.21(b), effective March 3, 2003, are hereby incorporated by reference.
(2)(a)(i) "Major Source Baseline Date" means:
(A) in the case of particulate matter:
(I) for Davis, Salt Lake, Utah and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;
(II) for all other areas of the State, January 6, 1975;
(B) in the case of sulfur dioxide:

(I) for Salt Lake County, the date that EPA approves the sulfur dioxide maintenance plan that was adopted by the Board on January 5, 2005;
(II) for all other areas of the State, January 6, 1975; and
(C) in the case of nitrogen dioxide, February 8, 1988.
(ii) "Minor Source Baseline Date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or R307-405 submits a complete application under the relevant regulations. The trigger date is:
(A) In the case of particulate matter and sulfur dioxide, August 7, 1977, and
(B) in the case of nitrogen dioxide, February 8, 1988.
(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:
(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R307-405; and
(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.
(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary shall rescind a minor source baseline date where it can be shown, to the satisfaction of the executive secretary, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.
(b) In the definition of "baseline area" in 40 CFR 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is subject to 40 CFR 52.21".
(c) "Reviewing Authority" means the executive secretary.
(d)(i) The term "Administrator" shall be changed to "executive secretary" throughout R307-405, except as provided in (ii).
(ii) The term "Administrator" shall be changed to "EPA Administrator" in the following incorporated sections:
(A) 40 CFR 52.21(b)(17),
(B) 40 CFR 52.21(b)(37)(i),
(C) 40 CFR 52.21(b)(43),
(D) 40 CFR 52.21(b)(48)(ii)(c),
(E) 40 CFR 52.21(b)(50)(i),
(F) 40 CFR 52.21(l)(2),
(G) 40 CFR 52.21(p)(2),
(H) the first reference to Administrator in 40 CFR 52.21(y)(4)(i),
(I) the second reference to Administrator in 40 CFR 52.21(y)(7), and
(J) 40 CFR 51.166(q)(2)(iv).
(e) The definition of "emissions unit" in 40 CFR 52.21(b)(7), effective January 6, 2004, is hereby incorporated by reference.
(f) The definition of "replacement unit" in 40 CFR 52.21(b)(33), effective January 6, 2004, is hereby incorporated by reference.
(g) The following paragraphs that refer to clean units and pollution control projects are not incorporated by reference:
(i) 40 CFR 52.21(b)(2)(iii)(h),
(ii) 40 CFR 52.21(b)(3)(iii)(b),
(iii) 40 CFR 52.21(b)(3)(vi)(d),
(iv) 40 CFR 52.21(b)(32), and
(v) 40 CFR 52.21(b)(42).
(3) "Heat input" means heat input as defined in 40 CFR 52.01(g).
(4) "Title V permit" means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to R307-415.
(5) "Title V Operating Permit Program" means R307-415.
(6) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.
(7) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.

R307-405-4. Area Designations.
(1) Pursuant to section 162(a) of the federal Clean Air Act, the following areas are designated as mandatory Class I areas:
(a) Arches National Park,
(b) Bryce Canyon National Park,
(c) Canyonlands National Park,
(d) Capitol Reef National Park, and
(e) Zion National Park.
(2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas in Utah are designated as Class II unless designated as nonattainment areas.
(3) No areas in Utah are designated as Class III.

R307-405-5. Area Redesignation.
Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).
(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed resdesignation.
(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g).

R307-405-6. Ambient Air Increments.
The provisions of 40 CFR 52.21(c), effective March 3, 2003, are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.
The provisions of 40 CFR 52.21(d), effective March 3, 2003, are hereby incorporated by reference.

R307-405-8. Exclusions from Increment Consumption.
(1) The following concentrations shall be excluded in determining compliance with a maximum allowable increase:
(a) concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order;
(b) concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal

Power Act over the emissions from such sources before the effective date of such plan;

(c) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources;

(d) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

(e) concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen dioxides from stationary sources which are affected by plan revisions approved by the EPA Administrator as meeting the criteria specified in 40 CFR 51.166(f)(4). The temporary increase shall not exceed 2 years in duration unless a longer time is approved by the EPA Administrator. This exclusion is not renewable.

(2) No exclusion of concentration under (1)(a) or (b) above shall apply more than five years after the effective date of the order to which paragraph (1)(a) refers or the plan to which paragraph (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(3) No exclusion under (1)(e) shall apply to an emission increase from a stationary source which would:

(a) impact a Class I area or an area where an applicable increment is known to be violated; or

(b) cause or contribute to a violation of the national ambient air quality standards.

R307-405-9. Stack Heights.

The provisions of 40 CFR 52.21(h), effective March 3, 2003, are hereby incorporated by reference.

R307-405-10. Exemptions.

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5), effective March 3, 2003, are hereby incorporated by reference.

R307-405-11 Control Technology Review.

The provisions of 40 CFR 52.21(j), effective March 3, 2003, are hereby incorporated by reference.

R307-405-12. Source Impact Analysis.

The provisions of 40 CFR 52.21(k), effective March 3, 2003, are hereby incorporated by reference.

R307-405-13. Air Quality Models.

The provisions of 40 CFR 52.21(l), effective March 3, 2003, are hereby incorporated by reference.

R307-405-14. Air Quality Analysis.

(1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(m)(2) and (3), effective March 3, 2003, are hereby incorporated by reference.

R307-405-15. Source Information.

The provisions of 40 CFR 52.21(n), effective March 3, 2003, are hereby incorporated by reference.

R307-405-16. Additional Impact Analysis.

The provisions of 40 CFR 52.21(o), effective March 3, 2003, are hereby incorporated by reference.

R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.

(1) The provisions of 40 CFR 52.21(p), effective March 3, 2003, are hereby incorporated by reference.

(2) The executive secretary will transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the EPA Administrator of every action related to the consideration of such permit.

R307-405-18. Public Participation.

(1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2), effective March 3, 2003, are hereby incorporated by reference.

(2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced with the phrase "within 30 days of receipt of the PSD permit application".

R307-405-19. Source Obligation.

(1) Except as provided in (2) below, the provisions of 40 CFR 52.21(r), effective March 3, 2003, are hereby incorporated by reference.

(2)(a) The parenthetical phrase in the first sentence in 40 CFR 52.21(r)(6) shall be changed to read "(other than projects at a source with a PAL)."

(b) The reference to "70.4(b)(3)(viii) of this chapter" in 40 CFR 52.21(r)(7) shall be changed to "R307-415-7i".

R307-405-20. Innovative Control Technology.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v), effective March 3, 2003, are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected states, determine that the source or modification may employ a system of innovative control technology, if:".

R307-405-21. Actuals PALs.

(1) Except as provided in (3), the provisions of 40 CFR 52.21(aa)(1) through (5) and (7) through (15), effective March 3, 2003, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(aa)(6), effective January 6, 2004, are hereby incorporated by reference.

(3)(a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to "the effective date of this rule".

R307-405-22. Banking of Emission Offset Credit in PSD Areas.

Banking of emission offset credits in PSD areas will be permitted. To preserve banked emission reductions the executive

secretary must identify them in either the Utah SIP or an order. The executive secretary will provide a registry to identify the person, private entity, or government authority that has the right to use or allocate the banked emission reduction and to record any transfer of or lien on these rights.

KEY: air pollution, PSD, Class I area
[~~July 12, 2001~~]2006
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♦ ——————————————— ♦

Environmental Quality, Air Quality
R307-410
Permits: Emissions Impact Analysis

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28323
FILED: 11/03/2005, 08:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the rule. This amendment is part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform" (see separate filings on Section R307-110-9, Rule R307-401, Rule R307-405, Rule R307-410 and Rule R307-413 in this issue). (DAR NOTE: The amendment to Section R307-110-9 is under DAR No. 28320; the repeal and reenactment on Rule R307-401 is under DAR No. 28325; the repeal and reenactment on Rule R307-405 is under DAR No. 28322; the amendment to Rule R307-410 is under DAR No. 28323; the repeal of Rule R307-413 is under DAR No. 28324 in this issue.)

SUMMARY OF THE RULE OR CHANGE: This rule establishes modeling requirements to determine the impact that emissions from new or modified sources will have on the federal health standards and on levels of hazardous air pollutants. As part of the review of all permitting rules for new and modified sources, stakeholders recommended that all federal requirements of 40 CFR 51.21, Prevention of Significant Deterioration (PSD), be moved into one rule. The modeling requirements for PSD are being incorporated by reference into Rule R307-405 (see separate filing in this issue); however, they are not deleted from Rule R307-410 because the same requirements still apply to smaller sources that are not subject to PSD rules requirements of Rule R307-405. The definitions in Rule R307-410 are deleted here and incorporated by reference from 40 CFR 51.100 into Subsection R307-410-2(2). Two definitions that are presently located in Section R307-101-2 (see separate filing in this issue) are being moved to Rule R307-410 because the terms are not used in other rules. The incorporation by reference of the federal Guidelines on Air Quality Models is updated to reflect the most current issue. For ease of use, the modeling limit for carbon monoxide in Table 1 is specified instead of referencing another rule. (DAR NOTE: The amendment to Section R307-101-2 is under DAR No. 28319 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q), and 40 CFR 51.160 and 40 CFR 51.118

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 51.100, 40 CFR 51.160, and 40 CFR 51.118

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The state budget is not affected because all costs are covered by the fees paid by sources.
❖ LOCAL GOVERNMENTS: Because there are no differences between the current rule and the revised version of these provisions being moved to Rule R307-405 and from Section R307-101-2, there is no change in costs for sources subject to the rule.
❖ OTHER PERSONS: Because there are no differences between the current rule and the revised version of these provisions being moved to Rule R307-405 and from Section R307-101-2, there is no change in costs for sources subject to the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because there are no differences between the current rule and the revised version of these provisions being moved to Rule R307-405 and from Section R307-101-2, there is no change in costs for sources subject to the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These clarifications may make a very small difference in costs for businesses, as the rule will be easier to understand and to use. Dianne R. Nielson, Executive Director

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 or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-4099 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-410. Permits: Emissions Impact Analysis.
R307-410-1. Purpose.

This rule establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401 to ensure that the source will not interfere with the attainment or maintenance of any NAAQS as required by 40 CFR 51.160. The rule also establishes the procedures and requirements for evaluating the emissions impact of hazardous air pollutants. The rule also establishes the procedures for establishing an emission rate based on the good engineering practice stack height as required by 40 CFR 51.118.

R307-410-2. Definitions.

(1) The following additional definitions apply to R307-410.

"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

(2) Except as provided in (3) below, the definitions of "stack", "stack in existence", "dispersion technique", "good engineering practice (GEP) stack height", "nearby", "excessive concentration", and "intermittent control system (ICS)" in 40 CFR 51.100(ff) through (kk) and (nn) effective July 1, 2005 are hereby incorporated by reference.

(3)(a) The terms "reviewing authority" and "authority administering the State implementation plan" shall mean the executive secretary.

(b) The reference to "40 CFR parts 51 and 52" in 40 CFR 51.100(ii)(2)(i) shall be changed to "R307-401, R307-403 and R307-405".

(c) The phrase "For sources subject to the prevention of significant deterioration program (40 CFR 51.166 and 52.21)" in 40 CFR 51.100(kk)(1) shall be replaced with the phrase "For sources subject to R307-401, R307-403, or R307-405".[

~~"Dispersion Technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:~~

~~(1) Using that portion of a stack which exceeds good engineering practice stack height;~~

~~(2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or~~

~~(3) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The techniques described in this definition do not include:~~

~~(a) The reheating of a gas stream following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;~~

~~(b) The merging of exhaust gas streams where:~~

~~(i) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;~~

~~(ii) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or~~

~~(iii) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Air Quality Board shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Air Quality Board shall deny credit for the effects of such merging in calculating the allowable emissions for the source;~~

~~(c) Smoke management in agricultural or silvicultural prescribed burning programs;~~

~~(id) Episodic restrictions on residential wood-burning and open burning; or~~

~~(e) Techniques under (c) which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.~~

~~"Excessive Concentration" is defined for the purpose of determining good engineering practice stack height under alternative (c) of the "Good Engineering Practice (GEP) Stack Height" definition and means:~~

~~(1) for sources seeking credit for stack height exceeding that established under alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program in R307-405, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under R307-410-5 shall be prescribed by the state approval order or the federal new source performance standard that is applicable to the source category, whichever is more stringent, unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Executive Secretary, an alternative emission rate shall be~~

~~established in consultation with the source owner or operator. The allowable emission rate to be used in making demonstrations under R307-410-5 for sources for which no federal new source performance standard or state approval order has been issued shall be established by the Executive Secretary in consultation with the source owner or operator.~~

~~(2) for sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition either,~~

~~(a) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy affects as provided in alternative (a) of the definition of "Excessive Concentration", except that the emission rate specified by any applicable State implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used, or~~

~~(b) the actual presence of a local nuisance caused by the existing stack, as determined by the authority administering the State implementation plan.~~

~~(3) for sources seeking credit after January 12, 1983, for a stack height determined under alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition where the Executive Secretary requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.~~

~~"Good Engineering Practice (GEP) Stack Height" means the greater of:~~

~~(1) Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack;~~

~~(2) Where H_g=good engineering practice stack height measured from the ground-level elevation at the base of the stack, H=height of nearby structure(s) measured from the ground-level elevation at the base of the stack; L=lesser dimension (height or projected width) of nearby structure(s), and provided that the Executive Secretary may require the use of a field study or fluid model to verify GEP stack height for the source:~~

~~(a) for stacks in existence on January 12, 1979, and for which the owner or operator had obtained all required air quality permits or approvals, $H_g = 2.5L$ provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;~~

~~(b) for all other stacks, $H_g = H+1.5L$; or~~

~~(3) The height demonstrated by a fluid model or a field study approved by the Executive secretary, which ensures that the emissions from the stack do not result in excessive concentrations of air contaminants as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.~~

~~"Nearby" as used in subpart (b) of the definition "Good Engineering Practice (GEP) Stack Height" is defined for a specific structure or terrain feature and~~

~~(1) for the purpose of applying the formulae provided in subpart (a) of the definition "Good Engineering Practice (GEP) Stack Height", means that distance up to five times the lesser of the height or the width dimension of a structure, but not to be greater than 1/2 mile, and~~

~~(2) for conducting demonstrations using subpart (c) of the definition "Good Engineering Practice (GEP) Stack Height", means not greater than 1/2 mile, except that the portion of terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if such a feature achieves a height 1/2 mile from the stack that is at least 40 percent of the GEP stack height determined by the formulae provided in subpart (b)(ii) of the definition "Good Engineering Practice (GEP) Stack Height" of this part or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base from the stack.~~

~~"Stack in Existence" means that the owner or operator had~~

~~(1) begun, or caused to begin, a continuous program of physical on-site construction of the stack, or~~

~~(2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.~~]

R307-410-[~~2~~]3. Use of Dispersion Models.

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, (Guideline on Air Quality Models), effective July 1, 2005, which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the [~~E~~]executive [~~S~~]secretary may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

R307-410-[~~3~~]4. Modeling of Criteria Pollutant Impacts in Attainment Areas.

Prior to receiving an approval order under R307-401, a new source in an attainment area with a total controlled emission rate per pollutant greater than or equal to amounts specified in Table 1, or a modification to an existing source located in an attainment area which increases the total controlled emission rate per pollutant of the source in an amount greater than or equal to those specified in Table 1, shall conduct air quality modeling, as identified in R307-410-[~~2~~]3, to estimate the impact of the new or modified source on air quality unless previously performed air quality modeling for the source indicates that the addition of the proposed emissions increase would not violate a National Ambient Air Quality Standard[~~, or a Prevention of Significant Deterioration increment~~], as determined by the Executive Secretary.

TABLE 1

POLLUTANT	EMISSIONS
sulfur dioxide	40 tons per year
oxides of nitrogen	40 tons per year
PM10 - fugitive emissions and fugitive dust	5 tons per year
PM10 - non-fugitive emissions or non-fugitive dust	15 tons per year
carbon monoxide	100 tons per year[~~As required under R307-405-6(2)~~]
lead	0.6 tons per year

R307-410-[4]5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.

(1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-[4]5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The executive secretary may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63 might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The executive secretary [shall]will notify the source in writing of the preliminary decision to require some or all of the documentation as listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the executive secretary approves.

(C) In making a final determination, the executive secretary [shall]will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-[4]5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-[3]4.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e), effective July 1, 2005, which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

TABLE 2
EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS
(cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
20 Meters or less	0.038	0.051	0.017
21 - 50 Meters	0.051	0.066	0.022
51 - 100 Meters	0.092	0.123	0.041
Beyond 100 Meters	0.180	0.269	0.090

VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
50 Meters or less	0.154	0.198	0.066
51 - 100 Meters	0.224	0.244	0.081
Beyond 100 Meters	0.310	0.368	0.123

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The executive secretary may require such documentation to include, but not be limited to:

(A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,

(B) the exposure conditions or dose that is sufficient to cause the adverse health effects,

(C) a description of the human population or other biological species which could be exposed to the estimated concentration,

(D) an evaluation of land use for the impacted areas,

(E) the environmental fate and persistency.

(d) Toxic Screening Levels and Averaging Periods.

(i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:

(A) one hour for emissions releases having a duration period of one hour or greater,

(B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating process having a continuous release for a one-hour period or more, or

(C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.

(ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV- TWA, and the applicable averaging period shall be 24 hours.

(iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

R307-410-[~~5~~]6. Stack Heights and Dispersion Techniques.

(1) The degree of emission limitation required of any source for control of any air contaminant to include determinations made under R307-401, R307-403 and R307-405, must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique except as provided in (2) below. This does not restrict, in any manner, the actual stack height of any source.

(2) The provisions in R307-410-[~~5~~]6 shall not apply to:

(a) stack heights in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or

(b) coal-fired steam electric generating units subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(3) The [~~E~~]executive [~~S~~]secretary may require the source owner or operator to provide a demonstration that the source stack height meets good engineering practice as required by R307-410-[~~5~~]6.

KEY: air pollution, modeling, hazardous air pollutant[~~*~~], stack height[~~*~~]
[~~September 15, 1998~~]2006
Notice of Continuation August 11, 2003
19-2-104

♦ ♦

Environmental Quality, Air Quality
R307-413
Permit: Exemptions and Special Provisions

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 28324
FILED: 11/03/2005, 08:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to move provisions from Rule R307-413 into the new text for Rule R307-401 to clarify that these exemptions apply only to the requirements of Rule R307-401 and not to other permitting rules, and to remove exemptions that provide no benefit to the environment or the public. Changes to the exemptions that are moved to Rule R307-401 are addressed in the Rule Analysis for Rule R307-401 (see separate filings on Section R307-110-9, Rule R307-325, Rule R307-405, Rule R307-410, and Rule R307-401 in this issue). (DAR NOTE: The amendment to Section R307-110-9 is under DAR No. 28320; the amendment to Rule R307-325 is under DAR No. 28321; the repeal and reenactment on Rule R307-405 is under DAR No. 28322; the amendment to Rule R307-410 is under DAR No. 28323; and the repeal and reenactment on Rule R307-401 is under DAR No. 28325 in this issue.)

SUMMARY OF THE RULE OR CHANGE: The portions of Rule R307-413 that need to be retained are relocated to Sections R307-401-9 through R307-401-12, and R307-401-14 through R307-401-16. These provisions are moved in order to clarify that these exemptions and special provisions apply only to the requirements of Rule R307-401. Changes to the exemptions that are moved to Rule R307-401 are addressed in the Rule Analysis for Rule R307-401 and not to other R307 permitting rules. The following is deleted and not moved: 1) the flexibility provisions that were located in Section R307-413-3 have been deleted because the rule has provided little benefit and is routinely misinterpreted. The underlying goals of this exemption are being met through other mechanisms such as flexible permit conditions and the exemption in Section R307-401-12 for sources that reduce air emissions; and 2) exemptions that were formerly located in Section R307-413-4 that apply to parking lots and emissions of various nonreactive volatile organic compounds have been deleted because they are no longer meeting the intended purpose. The rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no effect on the state budget because all costs for permitting are covered by fees paid by the sources.

❖ LOCAL GOVERNMENTS: For local governments that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes. Overall, the changes may result in some savings for individual sources, but it is not possible to quantify specific savings for future applicants. No significant increases in air pollution are expected, as the changes that expand the exemptions apply to emission decreases or very small increases.

❖ OTHER PERSONS: For sources and persons that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes. Overall, the changes may result in some savings for individual sources, but it is not possible to quantify specific savings for future applicants. No significant increases in air pollution are expected, as the changes that expand the exemptions apply to emission decreases or very small increases.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For persons that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes. Overall, the changes may result in some savings for individual sources, but it is not possible to quantify specific savings for future applicants. No significant increases in air pollution are expected, as the changes that expand the exemptions apply to emission decreases or very small increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in Rule R307-401, coupled with the changes in other Title R307 rules that are proposed in this issue, clearly separate federal requirements from state requirements, delete requirements that have had no benefit to sources or to the environment, and clarify the language in all the rules. The changes may result in cost savings to individual businesses, and are not anticipated to increase costs for businesses. Dianne R. Nielson, Executive Director

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:
Mat E. Carlile or Jan Miller at the above address, by phone at 801-536-4136 or 801-536-4042, by FAX at 801-536-0085 or 801-536-4099, or by Internet E-mail at MCARLILE@utah.gov or 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 01/17/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/14/2005 at 2:00 PM, DEQ Bldg #2, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
[~~R307-413. Permits: Exemptions and Special Provisions.~~
~~R307-413-1. Definitions and General Requirements.~~

~~(1) The following additional definitions apply to R307-413-7.~~

~~"Boiler" is defined in R315-1-1, which incorporates by reference 40 CFR 260.10, and is identified as follows:~~

~~(a) an industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;~~

~~(b) a utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluid for sale;~~

~~(c) a used oil fired space heater provided that the burner meets the provisions of R315-15-2.4.~~

~~"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.~~

~~(2) Any control apparatus installed on a source that is exempted under R307-413-2 through 6 shall be adequately and properly maintained. The owner or operator of any new or existing emission unit that is exempted under R307-413-2 through 6 is required to comply with all other applicable rules in Title R307.~~

~~(3) If the executive secretary has reason to believe, after completion of an appropriate analysis and evaluation in consultation with the source owner or operator, that the emissions from a source described in R307-413-2 through 6 are not meeting any specified approval order or State Implementation Plan limitation, or create an adverse impact to the environment, or would be injurious to human health or welfare, then the notice of intent and approval order provisions of R307-401 will apply.~~

~~R307-413-2. Small Source Exemptions - De minimis Emissions.~~

~~(1) A new or existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the following conditions are met:~~

~~(a) it is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~

~~(b) its potential to emit does not make it a stationary major source or require emission offset provisions as required by R307-403 for a new or modified source;~~

~~(c) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO_2), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{10}), ozone (O_3), or volatile organic compounds (VOCs);~~

~~(d) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;~~

~~(e) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (c) or (d) above and less than 2000 pounds per year of any combination of air contaminants not listed in (c) or (d) above; and~~

~~(f) for purposes of determining applicability of R307-413-2, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations.~~

~~(2) Small Source Exemption - Registration Required in Nonattainment and Maintenance Areas. The owner or operator of a stationary source located in a nonattainment area or a maintenance area for the air contaminants, including ozone precursors, that is claiming an exemption under R307-413-2 shall submit to the executive secretary a written registration notice. An existing source shall submit this registration notice no later than March 15, 1997. A new source shall submit the registration notice prior to commencing construction. The notice shall include the following minimum information:~~

~~(a) identifying information including company name and address, location of source, telephone number, and name of plant site manager or point of contact;~~

~~(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;~~

~~(c) identification of expected emissions;~~

~~(d) estimated annual emission rates;~~

~~(e) any control apparatus used; and~~

~~(f) typical operating schedule.~~

~~(3) The owner or operator of a temporary source that is claiming exemption under R307-413-2 must still comply with the conditions of R307-401-7.~~

~~R307-413-3. Flexibility Changes.~~

~~(1) A change to an existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the source is covered by an approval order and the change satisfies the following conditions:~~

~~(a) the change is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~

~~(b) the increases in allowable emissions from the change since the issuance of the current approval order for the source are less than:~~

~~(i) 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO2), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{10}), ozone (O_3), or volatile organic compounds (VOCs);~~

~~(ii) 500 pounds per year of any hazardous air pollutant and 2000 pounds per year of any combination of hazardous air pollutants; and~~

~~(iii) 500 pounds per year of any air contaminant not listed in (i) or (ii) above and 2000 pounds per year of any combination of air contaminants not listed in (i) or (ii) above;~~

~~(c) for purposes of determining applicability of R307-413-3, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the enviroment without chemical change, as well as carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations;~~

~~(d) the increase of allowable emissions from the change is accompanied by an equivalent or greater decrease of allowable emissions of the same air contaminants within the source at the time of the change, so long as the emissions decrease is enforceable in an approval order;~~

~~(e) the net emissions increase at the source, as defined in R307-101-2, as a result of the change shall not constitute a major modification, as defined in R307-101-2; and~~

~~(f) The owner or operator claiming an exemption pursuant to R307-413-3 submits to the executive secretary a written notice prior to the change. The notice shall include the information specified in R307-413-2(2)(a) through (f) and a description of where the owner or operator will reduce allowable emissions at least equal to any increase in emissions from the change.~~

~~(2) The approval order shall reflect emission increases and decreases of emitting units at the source resulting from the change.~~

~~(3) A source must go through the full Notice of Intent and Approval Order requirements of R307-401 to change any limitation which a source is relying on, either to avoid being classified as a major source, or to avoid having a change in emissions be considered a major modification.~~

~~(4) No comment period under R307-401-4 is required for this approval order change and update.~~

~~R307-413-4. Other Exemptions.~~

~~The following sources are exempt from the notice of intent and approval order requirements of R307-401.~~

~~(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah is exempt, unless there are emissions other than combustion products.~~

~~(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6 is exempt.~~

~~(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour is exempt.~~

~~(4) Exhaust systems for controlling steam and heat that do not contain combustion products are exempt.~~

~~(5) New parking areas of less than 600 vehicles capacity or modified parking areas increasing capacity by less than 350 vehicles are exempt.~~

~~(6) Emissions of 1,1,1-trichloroethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,2-dichloro-1,1,2,2-tetrafluoroethane, methane, ethane, and chloropentafluoroethane are exempt. However, the owner or operator of a source emitting 10 tons per year or more of any of these compounds must submit a notice of intent to the executive secretary prior to construction of the source.~~

~~R307-413-5. Replacement-in-Kind Equipment.~~

~~(1) Applicability. The owner or operator of a stationary source of air contaminants who modifies any process or replaces any control apparatus that is covered by an existing approval order, a previous approval order that has been superseded by an operating permit, or a requirement contained in a State Implementation Plan is exempt from the notice of intent and approval order requirements of R307-401, when the replacement-in-kind equipment meets all of the following conditions:~~

~~(a) potential to emit of the process equipment is the same or lower;~~

~~(b) the number of emission points or emitting units is the same or lower;~~

~~(c) no additional types of air contaminants are emitted as a result of the replacement;~~

~~(d) the control apparatus or process equipment is essentially the same as that being replaced and is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~

~~(e) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.~~

~~(2) Replacement-in-Kind Procedures.~~

~~(a) In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source proposing to replace control apparatus or process equipment by in-kind equipment shall submit a written notification to the executive secretary for approval prior to initiation of replacement. The notification shall contain a description of the replacement-in-kind, to include the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.~~

~~(b) If the replacement-in-kind meets the conditions of (1) above, the executive secretary will update the appropriate approval order and notify the owner or operator. No public comment period under R307-401-4 is required.~~

~~R307-413-6. Reduction of Air Contaminants.~~

~~(1) Applicability. The owner or operator of a stationary source of air contaminants covered by an existing approval order or a State Implementation Plan that reduces or eliminates air contaminants by changing, substituting, or eliminating process raw materials or process equipment, or uses a more efficient process design, is~~

~~exempt from the notice of intent and approval order requirements of R307-401, when all the following are met:~~

~~(a) there is a permanent reduction of air contaminants per year that is enforceable by an approval order;~~

~~(b) there are no new air contaminants emitted as a result of the changes; and~~

~~(c) the changes do not violate any provision of Title R307 rules.~~

~~(2) Procedures for the Reduction or Elimination of Air Contaminants Exemption. In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source making changes as described in (1) above shall submit a written description of the changes to the executive secretary no later than 60 days after the changes are made. The approval order will be updated by the executive secretary to reflect the reductions and other changes; no comment period under R307-401-4 is required.~~

~~R307-413-7. Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery.~~

~~(1) Exemption. Boilers burning used oil for energy recovery are exempt from the notice of intent requirement of R307-401 if the following requirements are met:~~

~~(a) The heat input design is less than one million BTU/hr.~~

~~(b) Contamination levels of all used oil to be burned do not exceed any of the following values:~~

~~(i) Arsenic - 5 ppm by weight~~

~~(ii) Cadmium - 2 ppm by weight~~

~~(iii) Chromium - 10 ppm by weight~~

~~(iv) Lead - 100 ppm by weight~~

~~(v) Total halogens - 1,000 ppm by weight~~

~~(vi) Sulfur - 0.50% by weight.~~

~~(c) The flash point of all used oil to be burned is no less than 100 degrees Fahrenheit.~~

~~(2) Requirements. The owner/operator of boilers burning used oil for energy recovery which are exempt under (1) above shall only burn used oil meeting the requirements of (1)(b) and (c) above and shall test each load of used oil received or generated as directed by the executive secretary to insure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point must be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or his representative upon request. Records must be kept for a three year period.~~

~~R307-413-8. De minimis Emissions From Air Strippers and Soil Venting Projects.~~

~~(1) An owner or operator of an air stripper or soil venting system will not be required to obtain an approval order under R307-401 to conduct remediation of contaminated groundwater or soil, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:~~

~~(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-413-2(1)(c), and~~

~~(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-4(1)(d).~~

~~(2) After beginning the soil remediation project, the owner or operator shall submit emissions information to the executive secretary to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in (1) are not exceeded. Emissions estimates of volatile organic compounds and hazardous air pollutants shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8020 or #8021 or other test or monitoring method approved by the executive secretary. Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the executive secretary within one month of sampling. The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the executive secretary.~~

~~(3) The following control devices do not require an approval order under R307-401 when used in relation to an air stripper or soil venting project applicable to this rule:~~

~~(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or~~

~~(b) carbon adsorption unit.~~

~~R307-413-9. De minimis Emissions From Soil Aeration Projects.~~

~~An owner or operator of a soil remediation project is not required to obtain an approval order under R307-401 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:~~

~~(1) the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from a given project are less than the de minimis emissions listed in R307-413-2(1)(c);~~

~~(2) the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-4(1)(d); and~~

~~(3) the location of the remediation and where the remediated material originated.~~

~~KEY: waste oil*, permits, exemption*, de minimis*~~
~~September 15, 1998~~
~~Notice of Continuation August 1, 2003~~
~~19-2-104~~
~~19-2-108~~]

♦ ♦

Environmental Quality, Solid and Hazardous Waste

R315-102

Penalty Policy

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28346
FILED: 11/10/2005, 15:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In the 2005 General Session, the Legislature passed S.B. 24 which made changes to the statue as found in Subsection 19-6-113(2). The Legislature enacted an increase in the maximum civil penalty amount from $10,000 to $13,000. (DAR NOTE: S.B. 24 (2005) is found at UT L 2005 Ch 10, and was effective 02/25/2005.)

SUMMARY OF THE RULE OR CHANGE: This rule change increases the maximum penalty amount for hazardous waste or solid waste violations from $10,000 to $13,000 and the minimum from $40 to $50.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-6-113(2)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Penalties collected are dependent upon the type and frequency of the violations; therefore an aggregate cost or savings cannot be determined. Depending upon the violation to the solid waste or hazardous waste rules, the penalty may increase anywhere from $10 to $3,000 per day for each day of violation. As stipulated in Subsection 19-6-113(5)(a), all penalties collected will be deposited in the General Fund.

❖ LOCAL GOVERNMENTS: Penalties collected are dependent upon the type and frequency of the violations; therefore an aggregate cost or savings cannot be determined. Depending upon the violation to the solid waste or hazardous waste rules, the penalty may increase anywhere from $10 to $3,000 per day for each day of violation.

❖ OTHER PERSONS: Penalties collected are dependent upon the type and frequency of the violations therefore an aggregate cost or savings cannot be determined. Depending upon the violation to the solid waste or hazardous waste rules, the penalty may increase anywhere from $10 to $3,000 per day for each day of violation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Depending upon the violation to the solid waste or hazardous waste rules and requirements, the penalty may increase anywhere from $10 to $3,000 per day for each day of violation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A business subject to a penalty for violation of the solid waste or hazardous waste laws and regulations may be assessed an increased penalty anywhere from $10 to $3,000 depending on the type of violation. Dianne R. Nielson, Executive Director

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

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Susan Toronto at the above address, by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@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 01/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/20/2006

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-102. Penalty Policy.
R315-102-1. Purpose, Scope, and Applicability.

(a) Subsection 19-6-113(2) of the Utah Solid and Hazardous Waste Act [~~and~~]provides that any person who violates any order, plan, rule, or other requirement issued or adopted under the Act is subject in a civil proceeding to a penalty of not more than $13,000 per day for each day of violation. Subsection 19-6-721(1) of the Used Oil Management Act provide that any person who violates any order, plan, rule, or other requirement issued or adopted under the Acts is subject in a civil proceeding to a penalty of not more than $10,000 per day for each day of violation. Subsection 19-6-104(1)(e) of the Utah Solid and Hazardous Waste Act allows the [~~b~~]Board to settle or compromise administrative or civil actions initiated to compel compliance with the Act or rules adopted under the Act.

(b) The following criteria are to be used by the Executive Secretary of the Board for determining amounts which (1) may be sought in settlement of enforcement actions, and which (2) may be accepted in settlement of enforcement actions.

(c) The procedures in R315-102 are intended solely for the guidance of the Executive Secretary and are not intended, and cannot be relied upon, to create a cause of action against the State.

R315-102-3. Criterion 2: Calculation of Settlement Amounts.

(a) Violations are grouped into the following categories based on the gravity of the violation:

(1) Major potential for harm, major extent of deviation from the requirement[~~:~~]. For used oil, major potential for harm, major extent of deviation from the requirement: $8,000 to $10,000. For hazardous waste or constituents, or solid waste, major potential for harm, major deviation from the requirement: $10,400 to $13,000.

(i) The violation: poses, or may pose, a relatively high risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a relatively high adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste, or used oil programs.

(ii) The violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

(2) Major potential for harm, moderate extent of deviation from the requirement[~~:~~]. For used oil, major potential for harm, moderate deviation from the requirement: $6,000 to $8,000. For hazardous waste or constituents, or solid waste, major potential for harm, moderate deviation from the requirement: $7,800 to $10,400.

(i) The violation: poses, or may pose, a relatively high risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a relatively high adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste, or used oil programs.

(ii) The violator significantly deviates from the requirements of the regulation or statute but some of the requirements are implemented as intended.

(3) Major potential for harm, minor extent of deviation from the requirement[~~:~~]. For used oil, major potential for harm, minor deviation from the requirement: $4,400 to $6,000. For hazardous waste or constituents, or solid waste, major potential for harm, minor deviation from the requirement: $5,720 to $7,800.

(i) The violation: poses, or may pose, a relatively high risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a relatively high adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste, or used oil programs.

(ii) The violator deviates somewhat from the regulatory or statutory requirements but most, or all important aspects, of the requirements are met.

(4) Moderate potential for harm, major extent of deviation[~~:~~]. For used oil, moderate potential for harm, major deviation from the requirement: $3,200 to $4,400. For hazardous waste or constituents, or solid waste, moderate potential for harm, major deviation from the requirement: $4,160 to $5,720.

(i) The violation: poses, or may pose, a medium risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a medium adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste or used oil programs.

(ii) The violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

(5) Moderate potential for harm, moderate extent of deviation from the requirement[~~:~~]. For used oil, moderate potential for harm, moderate deviation from the requirement: $2,000 to $3,200. For hazardous waste or constituents, or solid waste, moderate potential for harm, moderate deviation from the requirement: $2,600 to $4,160.

(i) The violation: poses, or may pose, a medium risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a medium adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste or used oil programs.

(ii) The violator significantly deviates from the requirements of the regulation or statute but some of the requirements are implemented as intended.

(6) Moderate potential for harm, minor extent of deviation from the requirement[~~:~~]. For used oil, moderate potential for harm, minor deviation from the requirement: $1,200 to $2,000. For hazardous waste or constituents, or solid waste, moderate potential for harm, minor deviation from the requirement: $1,560 to $2,600.

(i) The violation: poses, or may pose, a medium risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a medium adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste or used oil programs.

(ii) The violator deviates somewhat from the regulatory or statutory requirements but most, or all important aspects, of the requirements are met.

(7) Minor potential for harm, major extent of deviation from the requirement[~~:~~]. For used oil, minor potential for harm, major deviation for the requirement: $600 to $1,200. For hazardous waste or constituents, or solid waste, minor potential for harm, major deviation from the requirement: $780 to $1,560.

(i) The violation: poses, or may pose, a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a small adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste, or used oil programs.

(ii) The violator deviates from requirements of the regulation or statute to such an extent that most, or important aspects, of the requirements are not met, resulting in substantial noncompliance.

(8) Minor potential for harm, moderate extent of deviation from the requirements[~~:~~]. For used oil, minor potential for harm, moderate deviation from the requirement: $200 to $600. For hazardous waste or constituents, or solid waste, minor potential for harm, moderate deviation from the requirement: $260 to $780.

(i) The violation: poses, or may pose, a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a small adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste, or used oil programs.

(ii) The violator significantly deviates from the requirements of the regulation or statute but some of the requirements are implemented as intended.

(9) Minor potential for harm, minor extent of deviation from the requirements[~~:~~]. For used oil, minor potential for harm, minor deviation from the requirement: $40 to $200. For hazardous waste or constituents, or solid waste, minor potential for harm, minor deviation from the requirement: $50 to $260.

(i) The violation: poses, or may pose, a relatively low risk of exposure of humans or other environmental receptors to hazardous waste or constituents, solid waste, or used oil; or has, or may have, a small adverse effect on statutory or regulatory purposes or procedures for implementing the hazardous waste, solid waste, or used oil programs.

(ii) The violator deviates somewhat from the regulatory or statutory requirements but most, or all important aspects, of the requirements are met.

(b) The Executive Secretary shall have the discretion to determine the appropriate amount within these ranges.

(c) If applicable, a multi-day component may be added to the settlement amount determined in R315-102-3(b). The amount used in a multi-day calculation will typically range from 5% to 20%, with a minimum of $40 per day for used oil, and with a minimum of $50 per day for hazardous waste or constituents, or solid waste, of the amount determined in R315-102-3(b) for each day of violation up to 179 days following the first day of violation. However, discretion is retained to consider amounts (1) of up to $10,000 per day of violation for used oil and up to $13,000 per day of violation for hazardous waste or constituents, or solid waste and (2) for days of violation after the first 179 days following the first day of violation.

(d) The amount calculated above may be adjusted by taking into account the factors specified in R315-102-2(d) through (h).

(e) This amount will then be added to any economic benefit gained by the person as specified in R315-102-2(a).

(f) If applicable, partial credit may be given for an approved supplemental environmental project.

KEY: hazardous waste
[~~January 15, 1996~~]2006
Notice of Continuation July 19, 2005
19-6-105
19-6-106

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Health, Epidemiology and Laboratory Services, Environmental Services
R392-101
Food Safety Manager Certification

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28330
FILED: 11/03/2005, 18:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 150 (2005 General Session) requires the Department of Health to define the risk criteria to allow certain food service establishments to become exempt from the requirement of having a Certified Food Safety Manager on staff. (DAR NOTE: S.B. 150 (2005) is found at UT L 2005 Ch 112, and was effective 07/01/2005.)

SUMMARY OF THE RULE OR CHANGE: In Section R392-101-8, the current language of outlining the requirement for those establishments that prepare 5 or fewer potentially hazardous foods having a Certified Food Safety Manager on staff for every 10 establishment sites under common ownership is removed. The risk criteria that outlines which food establishments are exempt from the requirement of having a Certified Food Safety Manager on staff is added.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-15a-103

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There will be no effect on the state budget as the local health departments inspect food facilities. This change neither creates nor relieves any state duties.
❖ LOCAL GOVERNMENTS: There will be no effect on local government budgets as the changes will not decrease the number of inspections they are required to perform and does not materially change the inspection.
❖ OTHER PERSONS: Food service facilities that meet the exemption requirements will save some labor costs by not having to hire or train a person who is a Certified Food Safety Manager, however, the costs are variable and difficult to quantify for all possible food service establishments that meet the exemption requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Food service facilities that meet the exemption requirements will save some labor costs by not having to hire or train a person who is a Certified Food Safety Manager.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule implements a consensus improvement to food service regulation in the state. By removing the set standard based on the number of establishments and moving toward a targeted rule that looks at the risk of contamination from the foods prepared, the industry can save money and still protect the public. This rule will have a positive impact on business. David N. Sundwall, MD, 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:
Ronald Marsden at the above address, by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at rmarsden@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 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: David N. Sundwall, Executive Director

R392. Health, Epidemiology and Laboratory Services, Environmental Services.
R392-101. Food Safety Manager Certification.
R392-101-2. Definitions.

(1) As used in Title 26, Chapter 15a, and in this rule:

(a) Commercially prepackaged means any food packaged in a regulated food processing plant that does not require temperature control and is stored and used in accordance with the manufacturer's label.

(b) Continental breakfast means a breakfast meal restricted to:

(i) Beverages such as coffee, tea, and fruit juices;

(ii) Pasteurized Grade A milk;

(iii) Fresh fruits;

(iv) Frozen and commercially processed and prepackaged fruits;

(v) Commercially prepackaged baked goods, such as pastries, rolls, breads and muffins that are non-potentially hazardous foods;

(vi) Cereals;

(vii) Commercially prepackaged jams, jellies, honey, and syrup;

(viii) Pasteurized Grade A creams and butters, non-dairy creamers, or similar products;

(ix) Commercially prepackaged hard cheeses, cream cheese and yogurt in unopened packages; and

(x) foods served with single-use articles.

(c) Single-use article means a utensil designed and constructed to be used once and discarded.

(d) Heat and serve food means food that is precooked by the manufacturer and does not require cooking to critical temperatures as required by R392-100, but only requires heating to the customer's satisfaction.

R392-101-8. Exempt Establishments[~~ That Prepare Five or Fewer Potentially Hazardous Foods.~~]

[~~Food service establishments, under the same ownership, that prepare and serve a total of five or fewer potentially hazardous food items which are intended for immediate consumption shall employ at least one certified food safety manager for every ten establishments sites under the common ownership. For the purposes of this Section, examples of a single potentially hazardous food item in an establishment are hot dogs, nachos, and rotisserie chicken.~~]A local health officer may exempt a food service establishment from having a Certified Food Safety Manager on staff, if after evaluation by the local health department, the food service establishment:

(1) serves a menu of commercially prepackaged, or heat and serve food, or foods that require limited handling or assembly; and

(2) does not:

(a) cook foods that are required to reach critical temperatures required by R392-100;

(b) usefoods that must be cooled within a 6 hour time period as required by R392-100; or

(c) use foods that must be reheated to 165 degrees as required by R392-100.

KEY: public health, food service
[~~June 10, 1999~~]2006
Notice of Continuation May 24, 2004
26-15a-103

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Health, Health Care Financing, Coverage and Reimbursement Policy

R414-60

Medicaid Policy for Pharmacy Copayment Procedures

NOTICE OF PROPOSED RULE
(Repeal and Reenact)
DAR FILE NO.: 28357
FILED: 11/15/2005, 17:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to consolidate the current Medicaid pharmacy rules, amend coverage provisions, and allow for provisions that enact Medicare Part D.

SUMMARY OF THE RULE OR CHANGE: The new rule contains provisions not contained in the old rule. For example, it contains client eligibility requirements, provisions for drug coverage under Medicare-Part D, program access requirements for pharmacy services, and service coverage criteria for drugs from manufacturers, optional drugs, and generic drugs. It also contains limitations in drug coverage that are not found in the old rule. There are no substantive provisions contained in the old rule that are eliminated in the new rule. However, the new rule incorporates from Rule R414-63 (Repealed) a seven prescription per month limitation and incorporates by reference from Rule R414-63, provisions for reimbursement. (DAR NOTE: The proposed repeal of Rule R414-63 is under DAR No. 28356 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-15 and 26-18-3, and the Social Security Act 1935(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is an estimated cost to the state budget of approximately $4,800,000 as a result of this rulemaking.

❖ LOCAL GOVERNMENTS: There is no cost to local governments as a result of this rulemaking because local governments are not funded through Medicare Part D.

❖ OTHER PERSONS: There is no additional cost to pharmacies. However, dual eligibles will have additional copayment requirements as there is no monthly copayment cap in Part D.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Dual eligibles will have additional copayment requirements as there is no monthly copayment cap in Part D.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs are anticipated for business as a result of this rule. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-60. Medicaid Policy for Pharmacy Copayment Procedures.
[~~R414-60-1. Introduction and Authority.~~
~~This rule establishes Medicaid copayment policy for pharmacy services for Medicaid clients who are not in any of the federal categories exempted from copayment requirements. The rule is authorized by 42 CFR 447.15 and 447.50, Oct. 1995 ed., which are adopted and incorporated by reference.~~

~~R414-60-2. Definitions.~~
~~In addition to the definitions in R414-1, the following definitions also apply to this rule:~~
~~(1) "Child" means any person under the age of 18.~~
~~(2) "HMO Enrollees" means individuals enrolled with any Health Maintenance Organization (HMO).~~
~~(3) "Institutionalized individual" means one who is an inpatient in a health care facility such as a hospital or nursing facility.~~

~~R414-60-3. Copayment Policy.~~
~~(1) The Department shall impose a copayment in the amount of $3 for each prescription filled when a non-exempt Medicaid client, as designated on his Medicaid card, receives the prescribed medication. The Department shall limit the out-of-pocket expense of the Medicaid client to $15 per month.~~
~~(2) The Department shall deduct $3 from the reimbursement paid to the provider for each prescription, up to the maximum amount of $15 per month for each client.~~
~~(3) The provider should collect the copayment amount from the Medicaid client for those prescriptions that require a copayment. The provider may deny service for any client who refuses to make the copayment when the client's medical card indicates copayment is required.~~
~~(4) Medicaid clients in the following categories are exempt from copayment requirements:~~
~~(a) children;~~
~~(b) pregnant women;~~
~~(c) institutionalized individuals;~~
~~(d) HMO enrollees for whom pharmacy services are included in the HMO benefit package;~~
~~(e) individuals whose total gross income, before exclusions or deductions, is below the Temporary Assistance to Needy Families (TANF) standard payment allowance. These individuals must indicate their income status to their eligibility case worker on a monthly basis to maintain their exemption from the copayment requirements.~~
~~(5) Pharmaceuticals prescribed for family planning purposes are exempt from the copayment requirements.~~]

R414-60-1. Introduction and Authority.
(1) The Utah Medicaid Pharmacy program reimburses for, covered, prescribed outpatient drugs dispensed to eligible medicaid clients.
(2) This rule is authorized by 42 CFR 447.331, 42 CFR 447.15 and .50, the Utah Pharmacy Practice Act 58-17a-605, Utah health Code 26-18-105, and House Bill 268.

R414-60-2. Client Eligibility Requirements.
(1) Prescribed drugs are covered for Medicaid eligible, categorically and medically needy individuals.
(2) Effective January 1, 2006, outpatient drugs covered under Medicare Prescription Drug Benefit-Part D for full-benefit dual eligible beneficiaries who are defined as individuals who have Medicare and Medicaid benefits, will not be covered under Medicaid in accordance with SSA 1935(a).
(3) Drugs excluded under Medicare-Part D are not covered by Medicaid for dual eligible recipients. Certain limited drugs provided, in accordance with SSA, Section 1927(d)(2), to all Medicaid recipients, and not covered under the Medicare Prescription Drug Benefit-Part D, are payable by Medicaid. These drugs are limited as described in the Pharmacy Provider Manual and include some, but not all (a) agents when used for cough and cold, (b) over-the-counter drugs, and all (c) barbiturates, (d) benzodiazepines.

R414-60-3. Program Access Requirements.
Pharmacy services must be prescribed by a Utah licensed health care provider lawfully permitted to issue the prescription. The pharmacy filling the prescription must be enrolled as a Utah Medicaid provider. The clients receiving the pharmacy services may be living at home, a Long Term Care (LTC) facility, an Extended Care or Skilled facility or a community based group home.

R414-60-4. Program Coverage.
(1) All drugs are covered from manufacturers who have signed rebate agreements with Health Care Financing beginning with the SSA Title XIX and the Obra Law of 1990.
(2) The optional drugs allowed in SSA 1927 (d)(2) are covered as follows, some, but not all (a) agents when used for cough and cold, (b) over-the-counter drugs, and all (c) barbiturates, (d) benzodiazepines.
(3) In accordance with Utah Law 58-17b-606 (4), when a multisource A-rated legend drug is available in the generic form, reimbursement for the generic form of the drug will be made unless the treating physician demonstrates a medical necessity for dispensing the nongeneric, brand-name legend drug.

R414-60-5. Limitations.
(1) Cumulative amounts for 30 day periods may apply to some drug categories.
(2) Limitations may be placed upon drugs the same as imposed by manufacturers and the Food and Drug Administration (FDA).
(3) Duplication of drugs within therapeutic categories is limited.
(4) Step therapy, requiring documentation of therapeutic failure with one drug before reimbursement for another drug in the same category may be used.
(5) Pharmacy reimbursement for some drugs is regulated by prior approval as described in the provider manual.
(6) Some drugs may be supplied through contracted specialty pharmacies.
(7) Medicaid may use the criteria developed by academics and professionally recognized experts to determine product utilization in order to achieve reasonable outcomes for client improvement, elimination of pain, and/or recovery.
(8) Drug Efficacy Study Implementation Project Drugs (DESI Drugs) as determined by the FDA to be less-than-effective are not a benefit.

(9) Other drugs and/or categories of drugs as determined by the Utah State Division of Health Care Financing and listed in the Pharmacy Provider Manual are not a benefit.

(10) The Drug Utilization Review Board (DUR) recommends appropriate drug use for covered drugs. The DUR reviews and approves Medicaid drug use criteria and policy. The board makes determinations on specific cases and requests for therapeutic drug use.

(11) Clients whose prescriptions exceed seven prescriptions per month are subject to a clinical review by the Division.

(12) Drugs provided to clients during inpatient hospital stays are not a benefit and are included in the DRG payment.

R414-60-6. Co-payment Policy.

(1) The Department shall impose a co-payment in the amount of $3 for each prescription filled when a non-co-payment exempt Medicaid client, as designated on his Medicaid card, receives the prescribed medication.

(2) The Department shall deduct $3 from the reimbursement paid to the provider for each prescription, up to a maximum amount of $15 per month for each client.

(3) It is the providers responsibility to collect the copayment amount from the Medicaid client for those prescriptions that require a copayment.

(4) Co-payments do not apply to recipients and services excluded from cost sharing requirements in 42 CFR 447.53 (b).

R414-60-7. Reimbursement.

Pharmaceuticals are reimbursed using the fee schedule as established in the Utah Medicaid State Plan and incorporated by reference in R414-1-5(2).

KEY: Medicaid
[~~2003~~]2006
Notice of Continuation June 26, 2002
26-18-3
26-1-5

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-63

Medicaid Policy for Pharmacy Reimbursement

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 28356
FILED: 11/15/2005, 17:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking is necessary to repeal Rule R414-63 and consolidate current Medicaid pharmacy rules into one rule.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety. However, Rule R414-60 will incorporate this repealed rule's provisions, add pharmacy coverage, and implement Medicare Part D coverage changes. (DAR NOTE: The repeal and reenactment of Rule R414-60 is under DAR No. 28357 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3 and the Social Security Act 1935(a)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: There is no impact to the state budget associated with this rulemaking because this rule is being repealed and consolidated into Rule R414-60.
- LOCAL GOVERNMENTS: There is no impact to local governments as a result of this rulemaking because this rule is being repealed and consolidated into Rule R414-60.
- OTHER PERSONS: There is no impact to other persons as a result of this rulemaking because this rule is being repealed and consolidated into Rule R414-60.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this rule is being repealed and consolidated into Rule R414-60.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs are anticipated for business as a result of this rule. David N. Sundwall MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
[~~R414-63. Medicaid Policy for Pharmacy Reimbursement.~~
~~R414-63-1. Introduction and Authority.~~

~~(1) The Medicaid Policy for reimbursement of dispensing fees for pharmacy providers was achieved through negotiations with representatives of the pharmacy industry.~~

~~(2) This rule is authorized under Chapter 26-18.~~

~~**R414-63-2. Pharmacy Reimbursement.**~~
~~(1) For each prescription filled for a Medicaid recipient the Department may reimburse the pharmacy provider for:~~
~~(a) the average wholesale price for the medication minus 15%; and~~
~~(b) a dispensing fee in the amount of $3.90 for urban providers and $4.40 for rural providers.~~
~~(2) Clients whose prescription exceeds seven prescriptions per month may be subject to clinical review by the Division.~~
~~(3) Prescribers may be subject to peer review in regard to a patient's prescription drug profile when opportunities exist to decrease duplicative prescribing, waste, perceived abuse of the pharmacy benefit, or the likelihood of a level one adverse drug event between one or more drugs for any given patient drug profile.~~
~~(4) The prescriber shall have ultimate say in what is prescribed.~~

~~**KEY: Medicaid, prescriptions**~~
~~**January 26, 2005**~~
~~**26-18**~~**]**

♦ ♦

Judicial Conduct Commission, Administration
R595-4-1
Dismissals with Warning or upon Stated Conditions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28351
FILED: 11/11/2005, 14:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to more closely follow the Supreme Court's mandate located in footnote 5 of In re Anderson, 2004 UT 7.

SUMMARY OF THE RULE OR CHANGE: The Supreme Court, in footnote 5 of In re Anderson, stated that the condition for which a dismissal may be granted must be one of no further misbehavior. The proposed amendment limits the conditions for which a dismissal upon a stated condition may be granted to that condition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec 13; and Sections 78-8-101 through 78-1-108

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--These revisions do not alter the basic operations or functions of the Judicial Conduct Commission, and therefore, do not result in either a cost or savings to the state.

❖ LOCAL GOVERNMENTS: None--The Judicial Conduct Commission operations do not affect local governments, therefore, there are no costs or savings.

❖ OTHER PERSONS: None--These revisions do not alter the basic operations or functions of the Judicial Conduct Commission, and therefore, do not result in either a cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--These revisions do not alter the basic operations or functions of the Judicial Conduct Commission, and therefore, do not result in a compliance cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The Judicial Conduct Commission operations do not affect businesses. Colin Winchester, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
JUDICIAL CONDUCT COMMISSION
ADMINISTRATION
Room 104
645 S 200 E
SALT LAKE CITY UT 84111-3837, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Colin Winchester at the above address, by phone at 801-533-3200, by FAX at 801-533-3208, or by Internet E-mail at colin.winchester@utahbar.org

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: Colin Winchester, Executive Director

R595. Judicial Conduct Commission, Administration.
R595-4. Sanctions.
R595-4-1. Dismissals with Warning or [~~upon Stated~~]on Conditions.

A. The Commission may dismiss a complaint or formal complaint with a warning or [~~upon stated conditions~~]on conditions of no further misbehavior if:

1. the judge stipulates that the conduct complained of has occurred;

2. the Commission finds that the stipulated conduct constitutes misconduct; and

3. the Commission finds that the misconduct is troubling but relatively minor misbehavior and that no public sanction is warranted.

B. The Commission will not dismiss a complaint or formal complaint with a warning or [~~upon stated conditions~~]on conditions of no further misbehavior if:

1. the Commission finds that a public sanction is warranted;

2. the Commission has previously dismissed a complaint or formal complaint against the judge [~~upon stated conditions~~]on conditions of no further misbehavior and the current misconduct violates [~~one or more of those~~]such conditions; or

3. the Commission finds that the current misconduct is the same or similar to misconduct established from a previous complaint or formal complaint that was dismissed with a warning or [~~upon stated conditions~~]on conditions of no further misbehavior.

KEY: judicial conduct commission
[~~June 2, 2005~~]2006
Art. VIII, Sec. 13
78-8-101 through 78-8-108

Natural Resources, Oil, Gas and Mining; Non-Coal
R647-1-106
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28337
FILED: 11/09/2005, 12:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify definitions and references in the minerals regulatory program as they relate to changes brought on by S.B. 65 (2003 Legislature). (DAR NOTE: S.B. 65 (2003) is found at UT L 2003 Ch 35, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: The changes clarify how definitions apply to mining and exploration operations that are less than five acres in size.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-1 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There may be an insignificant increase in administrative costs to the state budget. This would occur initially but as operators comply with the bonding requirements, it will prevent future mine closures without bonds and thus prevent future costs to the state.
❖ LOCAL GOVERNMENTS: Since local government rarely engages in mining operations, there will be little or no impact on these governmental entities.
❖ OTHER PERSONS: Other persons, such as bond issuing companies, may gain profit from issuing additional bonds to mining companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance cost increases to mining companies may be experienced because of the additional bonding requirements. The actual costs are approximately 1% of the amount of the reclamation cost estimate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While this rule change could impose a financial burden on business, it provides a "safety net" that assures that the state is not left with unreclaimed mined lands. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
OIL, GAS AND MINING; NON-COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 01/25/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/07/2005 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT and 1/25/2006 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/26/2006

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-1. Minerals Regulatory Program.
R647-1-106. Definitions.

"Act" means the Utah Mined Land Reclamation Act, enacted in 1975, as amended. (Section 40-8-1, et seq., UCA).

"Adjudicative proceeding" means an agency action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including all agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and judicial review of all of such actions. Those matters not governed by Title 63, Chapter 46b, Administrative Procedures Act, of the Utah Code annotated (1953, as amended) shall not be included within this definition.

"Agency" means a board, commission, department, division, officer, council, office, committee, commission, bureau, or other administrative unit of this state, including the agency head, agency employees, or other persons acting on behalf of or under the authority of the agency head, but does not mean the Legislature, the courts, the governor, any political subdivision of the state, or any administrative unit of a political subdivision of the state.

"Agency head" means an individual or body of individuals in whom the ultimate legal authority of the agency is vested by statute.

"Amendment" is an insignificant change in the approved notice of intention.

"Approved Notice of Intention" means a formally filed notice of intention to commence mining operations, including any amendments or revisions thereto that is determined to be complete and contains a

mining and reclamation plan, which has been approved by the Division. A[~~n approved~~] notice of intention [~~is not required~~]for exploration having a disturbed area of five acres or less[~~ surface acres~~], or [~~for~~]a small mining operation[~~s~~] must be determined complete in writing by the Division, but does not require a mining and reclamation plan.

"Board" means the Utah Board of Oil, Gas and Mining. The Board shall hear all appeals of adjudicative proceedings which commenced before the Division as well as all adjudicative proceedings and other proceedings which commence before the Board. The Board may appoint a Hearing Examiner for its hearings in accordance with the Rules of Practice and Procedure before the Board of Oil, Gas and Mining.

"Deleterious Materials" means earth, waste or introduced materials exposed by mining operations to air, water, weather or microbiological processes, which would likely produce chemical or physical conditions in the soils or water that are detrimental to the biota or hydrologic systems.

"Deposit" or "mineral deposit" means an accumulation of mineral matter in the form of consolidated rock, unconsolidated materials, solutions, or otherwise occurring on the surface, beneath the surface, or in the waters of the land from which any useful product may be produced, extracted or obtained, or which is extracted by underground mining methods for underground storage. "Deposit" or "mineral deposit" excludes sand, gravel, rock aggregate, water, geothermal steam, and oil and gas, but includes oil shale and bituminous sands extracted by mining operations.

"Development" means the work performed in relation to a deposit following its discovery, but prior to and in contemplation of production mining operations. Development includes, but is not limited to, preparing the site for mining operations; further defining the ore deposit by drilling or other means; conducting pilot plant operations; and constructing roads or ancillary facilities.

"Disturbed Area" means the surface land disturbed by mining operations. The disturbed area for small mining operations shall not exceed five acres. The disturbed area for large mining operations shall not exceed the acreage described in the approved notice of intention.

"Division" means the Utah Division of Oil, Gas and Mining. The Division Director or designee is the Presiding Officer for all informal adjudicative proceedings which commence before the Division in accordance with Rule R647-5.

"Exempt Mining Operations" means those mining operations which were previously exempt from the Act because less than 500 tons of material was mined in a period of twelve consecutive months or less than two acres of land was excavated or used as a disposal site in a period of twelve consecutive months. These exemptions were eliminated by statutory amendments in 1986 and are no longer available.

"Exploration" means surface disturbing activities conducted for the purpose of discovering a deposit or mineral deposit, delineating the boundaries of a deposit or mineral deposit, and identifying regions or specific areas in which deposits or mineral deposits are most likely to exist. "Exploration" includes, but is not limited to: sinking shafts; tunneling; drilling holes; digging pits or cuts; building roads and other access ways.

"Gravel" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 2mm and 10mm, which has been deposited by sedimentary processes.

"Land affected" means the surface and subsurface of an area within the state where mining operations are being or will be conducted, including, but not limited to: (a) on-site private ways, roads, and railroads; (b) land excavations; (c) exploration sites; (d) drill sites or workings; (e) refuse banks or spoil piles; (f) evaporation or settling ponds; (g) stockpiles; (h) leaching dumps; (i) placer areas; (j) tailings ponds or dumps; (k) work, parking, storage, or waste discharge areas, structures, and facilities. Land affected does not include: (x) lands which have been reclaimed in accordance with an approved plan or as otherwise approved by the Board, (y) lands on which mining operations ceased prior to July 1, 1977, or (z) lands on which previously exempt mining operations ceased prior to April 29, 1989.

"Large Mining Operations" means mining operations which have a disturbed area of more than five surface acres at any time.

"License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by statute.

"Mining operations" means those activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining; on-site transportation, concentrating, milling, evaporation, and other primary processing. "Mining operation" does not include: the extraction of sand, gravel, and rock aggregate; the extraction of oil and gas; the extraction of geothermal steam; smelting or refining operations; off-site operations and transportation; [~~or~~]reconnaissance activities; or activities which will not cause significant surface resource disturbance and do not involve the use of mechanized earth-moving equipment, such as bulldozers or backhoes.

"Notice of Intention" means a notice of intention to commence mining operations, that provide the complete information required for authorization to conduct mining operations, and includes[~~including~~] any amendments or revisions thereto.

"Off-site" means the land areas that are outside of or beyond the on-site land.

"On-site" means the surface lands on or under which surface or underground mining operations are conducted. A series of related properties under the control of a single operator but separated by small parcels of land controlled by others will be considered a single site unless excepted by the Division.

"Operator" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind, either public or private, owning, controlling, conducting, or managing a mining operation or proposed mining operation.

"Owner" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind, either public or private, owning, controlling, conducting, or managing a mineral deposit or the surface of lands employed in mining operations.

"Party" means the Board, Division or other person commencing an adjudicative proceeding, all respondents, all persons permitted by the Board to intervene in the proceeding, and all persons authorized by statute or agency rule to participate as parties in an adjudicative proceeding.

"Permit" means a notice to conduct mining operations issued by the Division. A notice to conduct mining operations is issued by the Division when either a notice of intention for a small mining operation or exploration is determined to be complete and includes a surety approved by the Division, or a notice of intention for a large mining operation or exploration with a plan of operations and surety approved by the Division.

"Person" means an individual, group of individuals, partnership, corporation, association, political subdivision or its units, governmental

subdivision or its units, public or private organization or entity of any character, or another agency.

"Presiding Officer" means an agency head, or an individual or body of individuals designated by the agency head, by the agency's rules, or by statute to conduct an adjudicative proceeding. For the purpose of these rules, the Board, or its appointed Hearing Examiner, shall be considered the Presiding Officer of all appeals of informal adjudicative proceedings which commenced before the Division as well as all adjudicative proceedings which commence before the Board. The Division Director or his/her designee shall be considered a Presiding Officer for all informal adjudicative proceedings which commence before the Division in accordance with this Rule R647-5. If fairness to the parties is not compromised, an agency may substitute one Presiding Officer for another during any proceeding.

"Reclamation" means actions performed during or after mining operations to shape, stabilize, revegetate, or otherwise treat the land affected in order to achieve a safe and ecologically stable condition and use which will be consistent with local environmental conditions and land management practices.

"Regrade or Grade" means to physically alter the topography of any land surface.

"Respondent" means any person against whom an adjudicative proceeding is initiated, whether by an agency or any other person.

"Revision" means a change to an approved Notice of Intention to Conduct Mining Operations, which will increase or decrease the amount of land affected, or alter the location and type of on-site surface facilities, such that the nature of the reclamation plan will differ substantially from that in the approved Notice of Intention.

"Rock Aggregate" means those consolidated rock materials associated with a sand deposit, a gravel deposit, or a sand and gravel deposit, that were created by alluvial sedimentary processes. The definition of rock aggregate specifically excludes any solid rock in the form of bedrock which is exposed at the surface of the earth or overlain by unconsolidated material.

"Sand" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 1/16mm to 2mm, which has been deposited by sedimentary processes.

"Small Mining Operations" means mining operations which have a disturbed area of five or less surface acres at any time.

"Surface Mining" means mining conducted on the surface of the land including open pit, strip, or auger mining; dredging; quarrying; leaching; surface evaporation operations; reworking abandoned dumps and tailings and activities related thereto.

"Underground Mining" means mining carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

KEY: minerals reclamation
[~~June 1, 2004~~]2006
Notice of Continuation July 8, 2003
40-8-1 et seq.

♦ ♦

Natural Resources, Oil, Gas and Mining; Non-Coal
R647-2
Exploration

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28338
FILED: 11/09/2005, 12:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to establish the procedural requirements for bonding exploration operations granted by S.B. 65, from the 2003 Legislature. (DAR NOTE: S.B. 65 (2003) is found at UT L 2003 Ch 35, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: This rule change tells how bonds for the reclamation of exploration operations are to be estimated, submitted to the division, reviewed, changed, and forfeited.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-1 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There may be an insignificant increase in administrative costs to the state budget. This would occur initially but as operators comply with the bonding requirements it will prevent future mine closures without bonds and thus prevent future costs to the state.
❖ LOCAL GOVERNMENTS: Since local government rarely engages in mining operations, there will be little or no impact on these governmental entities.
❖ OTHER PERSONS: Other persons, such as bond issuing companies, may gain profit from issuing additional bonds to mining companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance cost increases to mining companies may be experienced because of the additional bonding requirements. The actual costs are approximately 1% of the amount of the reclamation cost estimate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While this rule change could impose a financial burden on business, it provides a "safety net" that assures that the state is not left with unreclaimed mined lands. Michael R. Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
OIL, GAS AND MINING; NON-COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 01/25/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/07/2005 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT and 1/25/2006 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/26/2006

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-2. Exploration.
R647-2-101. Filing Requirements and Review Procedures.

1. Prior to the commencement of exploration, [~~A complete~~]a Notice of Intention to Conduct Exploration (FORM MR-EXP) [~~or a letter~~]containing all the required information must be filed with and determined complete by the Division and the Division shall have approved the form and amount of reclamation surety.[~~the Division before exploration begins.~~] It is recommended that the notice of intention be filed with the Division at least 30 days prior to the planned commencement of exploration.

2. Within 15 days after receipt of a Notice of Intention to Conduct Exploration (FORM MR-EXP)[~~or comparable letter~~], the Division will review the proposal and notify the operator in writing that the notice of intention is:

2.11. [~~That the notice of intention is complete~~]Complete and all required information has been submitted; or

2.12. [~~That the notice of intention is incomplete~~]Incomplete, and [~~that~~]additional information as identified by the Division will be required.

[~~2.13.~~]The Division will review and respond to any subsequent filings of information within 10 working days of receipt.

3. If more than five acres of disturbance are planned, a detailed exploration development and reclamation plan must be included in the notice of intention and approved by the Division.[~~A notice of intention to conduct exploration will not require Division approval, unless more than five surface acres of disturbance is proposed. However, all of the required information must be provided to the Division. Division approval is required for all variances from Rule R647-2-107, 108, or 109, regardless of the number of surface acres of disturbance planned.~~]

4. The Division will review and approve or disapprove:

4.11. The form and amount of reclamation surety, and;

4.12. Any variances requested under R647-2-107, 108, or 109, regardless of the number of surface acres of disturbance planned.[~~Exploration that will disturb more than five surface acres at any given time will require Division approval and a reclamation surety before exploration begins. (See Rule R647-2-111.)~~]

5. Developmental drilling conducted within an already approved disturbed area with approved surety[~~the disturbed area of an approved large mining operation or within the five acre disturbed area of a small mining operation~~] does not require submittal of a Notice of Intention to Conduct Exploration (FORM MR-EXP)[~~or comparable letter~~].

6. A permittee's retention of a notice of intention shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

6.11. The Division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for Exploration.

6.12. Fees are due beginning July 31, 1998 and thereafter annually, by the last Friday of July as authorized by the Utah Legislature.

6.13. A permittee may avoid payment of the fee by complying with the following requirements:

6.13.11. A permittee will notify the Division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

6.13.12. The permittee will then arrange with the Division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.[

~~6.14. All permit fees which remain uncollected 30 days after the due date will be turned over to the Utah Office of Debt Collection.~~]

R647-2-102. Duration of the Notice of Intention.

1. A [~~complete~~]Notice of Intention to Conduct Exploration [~~or comparable letter~~]that has been determined complete or, for operations of more than 5 acres has been approved, shall be valid until November 30th of the year following the year of submittal. All exploration and reclamation activities should be completed within this time frame. An operator desiring to extend the duration of a notice of intention, must notify the Division in writing, prior to expiration of the notice of intention, specifying the reasons an extension is required, and the anticipated length of time required to complete exploration and reclamation.

2. The Division will review and approve the extension and adjust if necessary, the amount of reclamation surety.

3. Authorization to operate under a Notice of Intention to Conduct Exploration may be withdrawn in the event of failure[~~Failure~~] by the operator to pay permit fees required by [~~R647-2-101(6)~~]R647-2-101.6, or to maintain and update reclamation surety as required, after notice and opportunity for Board hearing.[~~will suspend an operator's authorization to conduct exploration operations.~~]

R647-2-104. Operator(s), Surface and Mineral Owner(s).

The notice of intention shall include the following general information:

1. The name, permanent mailing address, and telephone number of the operator responsible for exploration.

2. The name and permanent mailing address of the surface land owner(s) and mineral owner(s) of all land to be affected by the operations.

3. The federal mining claim number(s), lease number(s), or permit number(s) of any mining claims, federal or state leases or permits included in the land affected.

4. A statement that the operator will conduct reclamation as required by these rules.

R647-2-105. Maps and Drawings.

[~~A topographic base map showing the location of the proposed exploration project must be submitted with the notice of intention. A USGS 7.5 minute series map is preferred. The areas to be disturbed~~

~~should be plotted on the map in sufficient detail so that they can be located on the ground. It is recommended that the operator also plot and label any previously disturbed areas in the immediate vicinity of the proposed exploration project for which the operator is not responsible.~~]The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operation details.

1. The general location map shall be the scale of a USGS 7.5-minute series map or equivalent (1"=2000') and identify new or existing access roads.

2. The operations map (1"=200' or other scale as determined necessary by the Division) shall identify:

2.11 The area to be disturbed;

2.12 The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned exploration activities; and

2.13 Any adjacent previous disturbance for which the operator is not responsible.

R647-2-106. Project Description.

The notice of intention should include the following information:

1. A statement giving general details of the type or method of exploration proposed, including the proposed dates during which exploration will be conducted;

2. The type of minerals to be explored for;

3. The general dimensions of all drill holes, including total depth and diameter;

4. The general dimensions of all trenches, pits, shafts, cuts, or other types of disturbances;

5. The width and length of any new roads constructed;

6. An estimate of the total number of surface acres to be disturbed.

7. The amount of material (including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material) extracted, moved, or proposed to be moved during the exploration operation.

R647-2-111. Surety.

1. [~~The operator of an exploration project that will result in more than five surface acres being disturbed at any given time must post a reclamation surety prior to commencement of exploration. Disturbed areas which have been reclaimed are not included within the cumulative five acres for purposes of the reclamation surety.~~]After receiving notification that the notice of intention is approved or complete, but prior to commencement of operations, the operator must post a reclamation surety with the Division.

1.11. Failure to furnish and maintain reclamation surety may, after notice and opportunity for a Board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

2. The Division will not require a separate surety where a reclamation surety in a form and amount acceptable to the Division is held by [~~the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration, or an agency of the federal government~~]other governmental entities, provided that the cost estimate is accurate and the Division is named as co-beneficiary. Cooperative Agreements may be developed and entered into according to Section 40-8-22.

3. As part of the review of the notice of intention, the Division shall determine the required surety amount based on:

3.11. [~~site~~]Site-specific calculations or estimates by the Division reflecting the cost the Division[~~'s~~] or a third party would incur[~~cost~~] to reclaim the site[-];

3.12. Site-specific calculations or estimates by the operator reflecting the cost the Division or a third party would incur to reclaim the site, if accurate and verifiable by the Division; or

3.13. The average dollars per acre costs for reclamation for similar operations, as determined by the Division, based upon approved surety amounts for current large mining operations.

3.14. In determining or verifying the amount of surety under Sections 3.11 or 3.12, the Division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.[~~An operator's reclamation estimate will be accepted if it is accurate and verifiable.~~]

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the Division. Acceptable forms may include:

4.11. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11., the operator has 120 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

4.13. Cash;

4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;

4.15. Escrow accounts[-]; and

4.16. [~~In addition, the~~]The Board may accept a written self-bonding agreement in the case of operators showing sufficient financial strength.

5. Surety shall be required until such time as reclamation is deemed complete by the Division. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

5.11. A partial release of surety can be made by the Division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling or regrading has been successfully performed and the residual amount of retained surety is determined to be adequate to insure completion of reclamation.[

~~6. Adjustments or revisions made in the surety amount shall be in accordance with the terms and conditions outlined in the Reclamation Contract.~~]

R647-2-112. Failure to Reclaim.

If the operator fails or refuses to conduct reclamation as outlined in the complete notice of intention, and comply with the requirements of R647-2-107, R647-2-108, or R647-2-109 the Board may, after notice and hearing, order that:

1. [~~reclamation~~]Reclamation be conducted by the Division,[~~and that:~~]

[~~1~~]2. The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; [~~or~~]and

[~~2~~]3. [~~The~~]Any surety filed for this purpose be forfeited. With respect to the surety filed with the Division, the Board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where a reclamation surety [~~or a bond~~]has been filed with [~~the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration or an agency of the federal government~~]other governmental agencies, the Board shall notify such agency of the hearing findings and [~~request that the necessary forfeiture action be taken~~]seek forfeiture concurrence as necessary.

3.11. The forfeited surety shall be used only for the reclamation of land to which it relates, and any residual amount returned.

R647-2-114. Revised Notice.

1. Minor additions or changes in the location of exploration operations do not require the submittal of a revised notice of intention. A new or revised Notice of Intention to Conduct Exploration (FORM MR-EXP) [~~or comparable~~]letter must be submitted when:

1.1. The proposed additions or changes will occur outside the originally designated legal subdivision[~~quarter section~~]; or

1.2. For exploration operations under 5 acres the proposed additions will cause the total unreclaimed surface disturbance to increase by more than 1 acre or exceed 5 acres; or[~~The proposed additions will cause the total unreclaimed surface disturbance to exceed five (5) acres.~~]

1.3. For exploration operations over 5 acres, the proposed additions or changes will cause an increase in the area of disturbance previously approved.

2. In the event the Division or the operator determine at the time a revision is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any particular point in time during the revised exploration operations, the Division may undertake a recalculation of the surety amount as provided in R647-2-111.3. If the recalculated amount is greater than the amount of the existing surety, the revised operations may not be implemented until a revised surety is filed with the Division.

R647-2-115. Reports.

On or before December 31st of the year of filing of a Notice of Intention to Conduct Exploration (FORM MR-EXP) [~~or comparable letter,~~]the operator must submit a Mineral Exploration Progress Report (FORM MR-EPR), which describes any unusual drilling conditions, water encountered, hole plugging measures, and reclamation activities conducted.

R647-2-116. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in R647-5, shall be applicable to minerals regulatory proceedings.

KEY: minerals reclamation
[~~October 1, 2001~~]2006
Notice of Continuation July 8, 2003
40-8-1 et seq.

♦ ♦

Natural Resources, Oil, Gas and Mining; Non-Coal
R647-3
Small Mining Operations

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28339
FILED: 11/09/2005, 12:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to establish the procedural requirements for bonding small (less than five acre) mining operations as granted by S.B. 65 from the 2003 Legislature. (DAR NOTE: S.B. 65 (2003) is found at UT L 2003 Ch 35, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: This rule change tells how bonds for the reclamation of small mining operations are to be estimated, submitted to the division, reviewed, changed, and forfeited.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There may be an insignificant increase in administrative costs to the state budget. This would occur initially but as operators comply with the bonding requirements it will prevent future mine closures without bonds and thus prevent future costs to the state.

❖ LOCAL GOVERNMENTS: Since local government rarely engages in mining operations, there will be little or no impact on these governmental entities.

❖ OTHER PERSONS: Other persons, such as bond issuing companies, may gain profit from issuing additional bonds to mining companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance cost increases to mining companies may be experienced because of the additional bonding requirements. The actual costs are approximately 1% of the amount of the reclamation cost estimate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While this rule change could impose a financial burden on business, it provides a "safety net" that assures that the state is not left with unreclaimed mined lands. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
OIL, GAS AND MINING; NON-COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 01/25/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/07/2005 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT and 1/25/2006 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/26/2006

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-3. Small Mining Operations.
R647-3-101. Filing Requirements and Review Procedures.

1. Prior to commencement of operations, a[~~A~~] Notice of Intention to Commence Small Mining Operations (FORM MR-SMO)[~~ or a letter~~] containing all the required information must be filed with and determined complete by the Division and the Division shall have approved the form and amount of reclamation surety[~~the Division before a small mining operation begins~~]. It is recommended that the notice of intention be filed with the Division at least thirty (30) days prior to the planned commencement of operations.

2. Within 15 days after receipt of a Notice of Intention, the Division will review the proposal and notify the operator in writing;

2.11. [~~that~~]That the notice of intention is complete[~~,~~] and all required information has been submitted; or,

2.12. [~~that~~]That the notice of intention is incomplete, and [~~that~~]additional information as identified by the Division will be required.

2.12.111.[~~3.~~] The Division will review and respond to any subsequent filings of information within 10 working days of receipt.

[~~4. A notice of intention to commence small mining operations will not require Division approval. However, all of the required information must be provided to the Division.~~]3. The Division will review and approve or disapprove:

3.11. The form and amount of reclamation surety (R647-3-111), and

3.12. All variances requested from Rules R647-3-107, 108, and 109, regardless of the number of surface acres of disturbance planned.

[~~Division approval is required for all variances from Rules R647-3-107, 108, and 109, regardless of the number of surface acres of disturbance planned.~~

~~5. Filing of the complete notice of intention shall enable the operator to conduct small mining operations provided that the operator has paid all permit fees required by R647-3-101(7). A failure to pay permit fees required by R647-3-101(7) will suspend an operator's authorization to conduct small mining operations. The operator is responsible for conducting mining and reclamation activities in compliance with the requirements of the notice of intention, the Act, and these Rules.~~

~~6~~]4. The operator must notify the Division no later than 30 days after beginning small mining operations.

[~~7~~]5. A permittee's [~~retention~~]authorization under[~~of an approved~~] a notice of intention to conduct small mining operations shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

[~~7~~]5.11. The Division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for

[~~7~~]5.11.11. Small Mining Operations (less than 5 disturbed acres)

[~~7~~]5.12. Fees are due beginning July 31, 1998 and thereafter annually, by the last Friday of July as authorized by the Utah Legislature.

[~~7.13~~]6. A permittee may avoid payment of the fee by complying with the following requirements:

[~~7~~]6.[~~13.~~]11. A permittee will notify the Division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

[~~7~~]6.[~~13.~~]12. The permittee will then arrange with the Division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.[

~~7.14. All permit fees which remain uncollected 30 days after the due date will be turned over to the Utah Office of Debt Collection.~~]

R647-3-102. Duration of the Notice of Intention.

The notice of intention, including any subsequent amendments or revisions, shall remain in effect for the life of the small mining operation. However, the notice of intention may be withdrawn, after notice and opportunity for Board hearing, in the event of failure by the operator to pay permit fees required by R647-3-101[~~(7)~~] or to maintain and update adequate reclamation surety as required in R647-3-111[~~will suspend an operator's authorization to conduct small mining operations~~].

R647-3-104. Operator(s), Surface and Mineral Owner(s).

The notice of intention shall include the following general information:

1. The name, permanent mailing address, and telephone number of the operator responsible for the small mining operation and reclamation of the site.

2. The name, and permanent mailing address of the surface landowner(s) and mineral owner(s) of all land to be affected by the mining operation.

3. The federal mining claim number(s), lease number(s) or permit number(s) of all mining claims, federal or state leases or permits included in the land affected.

4. A statement that the operator will conduct reclamation as required by these rules.

R647-3-105. Project Location and Map.

[~~A topographic base map showing the location of the proposed small mining operation must be submitted with the notice of intention. A USGS 7.5 minute series map is preferred. The areas to be disturbed should be plotted on the map in sufficient detail so that they can be located on the ground. It is recommended that the operator also plot and label any previously disturbed areas in the immediate vicinity of~~

~~the proposed small mining operation for which the operator is not responsible.~~]The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operations details.

1. The general location map shall be the scale of a USGS 7.5 minute series map or equivalent (1"=2000') and identify new or existing access roads.

2. The operations map (1"=200' or other scale as determined necessary by the Division) shall identify:

2.11. The area to be disturbed;

2.12. The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned exploration activities; and

2.13. Any adjacent previous disturbance for which the operator is not responsible.

R647-3-106. Operation Plan.

The operator shall provide a brief narrative description of the proposed mining operation as part of the notice of intention. The description should include the following information:

1. A statement giving general details of the type or method of mining operations proposed, and the type of minerals to be mined;

2. Estimated width and length of any new roads to be constructed;

3. An estimate of the total number of surface acres to be disturbed by the mining operation.

4. The amount of material (including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material) to be extracted, moved, or proposed to be moved, relating to the mining operation.

R647-3-109. Reclamation Practices.

During reclamation, the operator shall conform to the following practices unless the Division grants a variance in writing:

1. Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall include but not be limited to:

1.11. The permanent sealing of shafts and tunnels;

1.12. The disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;

1.13. The plugging of drill, core, or other exploratory holes as set forth in Rule R647-3-108;

1.14. The posting of appropriate warning signs in locations where public access to operations is readily available;

1.15. The construction of berms, fences and/or barriers above highwalls or other excavations when required by the Division.

2. Drainages - If natural channels have been affected by mining operations, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

3. Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

4. Deleterious Materials - All deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

5. Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.

6. Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

7. Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

8. Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

9. Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.

10. Trenches and Pits - Trenches and small pits shall be reclaimed.

11. Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

12. Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface, so as to minimize erosion, prevent undue compaction and promote revegetation.

13. Revegetation - The species seeded shall include adaptable perennial species that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.

Revegetation shall be considered accomplished when:

13.11. The revegetation has achieved 70 percent of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown, then the ground cover of an adjacent undisturbed area that is representative of the premining conditions will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

13.12. The Division determines that the revegetation work has been satisfactorily completed within practical limits[~~,~~].

14. [~~where~~]Where reseeding has occurred and the vegetation has survived one growing season, the reseeded area shall not be included for purposes of determining whether a mining operation is a small mining operation.

R647-3-110. Variance.

1. The operator may request a variance from Rule R647-3-107, 108, or 109 by submitting the following information which shall be considered by the Division on a site-specific basis:

1.11. The rule(s) as to where a variance is requested;

1.12. The variance requested and a description of the area that would be affected by the variance;

1.13. Justification for the variance;

1.14. Alternate methods or measures to be utilized.

2. A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

3. Any variance must be specifically approved by the Division in writing.

R647-3-111. Surety.

1. After receiving notification that the notice of intention is complete, but prior to commencement of operations, the operator must post a reclamation surety with the Division.

1.11. Failure to furnish and maintain reclamation surety may, after notice and opportunity for Board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

2. The Division will not require a separate surety where a reclamation surety in a form and amount acceptable to the Division is held by other governmental entities, provided that the cost estimate is accurate and the Division is named as co-beneficiary. Cooperative Agreements may be developed and entered into according to Section 40-8-22.

3. As part of the review of the notice of intention, the Division shall determine the required surety amount based on:

3.11. Site-specific calculations or estimates by the Division reflecting the cost the Division or a third party would incur to reclaim the site;

3.12. Site-specific calculations or estimates by the operator reflecting the cost the Division or a third party would incur to reclaim the site, if accurate and verifiable by the Division; or

3.13. The average dollars per acre costs for reclamation of similar operations, as determined by the Division, based upon approved surety amounts for current large mining operations.

3.14. In determining or verifying the amount of surety under Section 3.11 or 3.12, the Division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the surety must be approved by the Division, except as provided in subpart 4.16. Acceptable forms may include:

4.11. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11, the operator has 120 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

4.13. Cash;

4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;

4.15. Escrow accounts; and

4.16. The Board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

5. Surety shall be required until such time as the Division deems reclamation complete. The Division will promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

5.11. A partial release of surety can be made by the Division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading, or vegetation establishment has been successfully performed and the residual amount of retained surety is determined adequate to insure completion.

6. The amount of reclamation surety may be adjusted:

6.11. As required by a revision in the Notice of Intention under R647-3-115;

6.12. As a result of a periodic review by the Division conducted no more frequently than at 3 year intervals unless agreed to by the operator, which shall take into account inflation/deflation based upon an acceptable Costs Index; or

6.13. At the request of the operator.

7. Notwithstanding any other provision of these rules, for operations where the surety is in the form of a Board-approved agreement under Section 40-8-14(3), the Board shall retain the sole authority over the release, partial release, revision or adjustment of the surety amount, if any, which shall be in accordance with the agreement and the Act.

R647-3-[~~111~~]112. Failure to Reclaim.

If the operator of a small mining operation fails or refuses to conduct reclamation as required by the complete notice of intention, and fails or refuses to comply with R647-3-107, R647-3-108, or R647-3-109,[~~Act and these rules,~~] the Board may, after notice and hearing, order that:

1. Reclamation be conducted by the Division; and

2. The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court[~~,~~]; and

3. Any surety filed for this purpose be forfeited. With respect to the surety filed with the Division, the Board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where reclamation surety has been filed with another governmental agency, the Board shall notify such agency of the hearing findings, and seek forfeiture concurrence as necessary.

3.11. The forfeited surety shall be used only for the reclamation of the land to which is relates, and any residual amount returned.

R647-3-[~~112~~]113. Suspension or Termination of Operations.

1. All mine operations are required to be maintained in a safe, clean, and environmentally stable condition. Active and inactive operations must continue to submit annual reports unless waived in writing by the Division.

2. The operator need not notify the Division of the temporary suspension of small mining operations.

3. In the case of a termination or a suspension of mining operations that has exceeded, or is expected to exceed two (2) years, the operator shall, upon request, furnish the Division with such data as it may require to evaluate the status of the small mining operation, the status of compliance with these rules, and the probable future status of the land affected. Upon review of such data, the Division will take such action as may be appropriate. The Division may grant an extended suspension period if warranted.

4. The operator shall give the Division prompt written notice of a termination or suspension of small mining operations expected to exceed five (5) years. Upon receipt of notification the Division shall, within 30 days, make an inspection of the property.

5. Small mining operations that have been approved for an extended suspension period will be reevaluated on a regular basis. Additional interim reclamation or stabilization measures may be required in order for a small mining operation to remain in a continued state of suspension. Reclamation of a small mining operation may be required after five (5) years of continued suspension. The Division will require complete reclamation of the mine site when the suspension period exceeds 10 years, unless the operator appeals to the Board prior to the expiration of the 10-year period and shows good cause for a longer suspension period.

R647-3-[~~113~~]114. Mine Enlargement.

Before enlarging a small mining operation beyond five (5) acres of surface disturbance, the operator must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and receive Division approval.

R647-3-[~~114~~]115. Revisions.

1. Small mining operators are required to submit a revision to the complete notice of intention when a significant change(s) in the small mining operation occurs. A revision can be made by submitting a revised FORM MR-SMO (or similar form) and indicating the portion(s) of the operation which is being revised.

2. Division approval of a revision of small mining operations is not required but the operational change may not be implemented until the Division determines that the revised NOI is complete.

3. In the event the Division or the operator determine at the time a revision is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any point in time during the revised small mining operations, the Division may undertake a recalculation of the surety amount as provided in R647-3-111.3. If the recalculated amount is greater than the amount of the existing surety, the revised operations may not be implemented until a revised surety is approved by the Division[~~before the operational change occurs~~].

R647-3-[~~115~~]116. Transfer of a Notice of Intention.

If an operator wishes to transfer a small mining operation to another party, an application form entitled, Transfer of Notice of Intention - Small Mining Operations (FORM MR-TRS) must be completed and filed with the Division. The new mine operator must post adequate reclamation surety and assume full responsibility for all disturbances of the permitted operation. The form and amount of surety must be approved by the Division for the transfer to be complete[~~continued mining operations and reclamation obligations for the small mining operation~~].

R647-3-[~~116~~]117. Reports.

1. On or before January 31 of each year, unless waived in writing by the Division, each operator conducting small mining operations must file an operations and progress report (FORM MR-AR) describing its operations during the preceding calendar year, including:

1.11. The location of the operation and the number and date of the applicable Notice of Intention;

1.12. The gross amounts of ore and waste materials moved during the year, as well as the disposition of such materials;

1.13. New surface disturbances created during the year;

1.14. The reclamation work performed during the year.

2. The operator shall keep and maintain timely records relating to his performance under the Act and still make these records available to the Division upon request.

R647-3-[~~117~~]118. Practices and Procedures; Appeals.

The Administrative Procedures, as outlined in the R647-5 Rules, shall be applicable to minerals regulatory proceedings.

R647-3-[~~118~~]119. Confidential Information.

Information provided in the notice of intention relating to the location, size, and nature of the mineral deposit, and marked confidential by the operator, shall be protected as confidential information by the Board and the Division. The information will not be a matter of public record until a written release is received from the operator, or until the notice of intention is terminated.

KEY: minerals reclamation
[~~February 26, 1999~~]2006
Notice of Continuation July 8, 2003
40-8-1 et seq.

Natural Resources, Oil, Gas and Mining; Non-Coal

R647-4

Large Mining Operations

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 28340
FILED: 11/09/2005, 12:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is proposed to clarify certain bonding requirements for large mining operations and to codify certain procedures that were included as policies prior to the passage of S.B. 30 in the 2003 Legislature. (DAR NOTE: S.B. 30 (2003) is found at UT L 2003 Ch 197, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: The rule change clarifies certain procedural requirements for estimating, submitting, reviewing, and modifying reclamation bonds for mining operations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There may be an insignificant increase in administrative costs to the state budget. This would occur initially, but as operators become used to the streamlined procedures there will be a slight savings due to increased efficiency.

❖ LOCAL GOVERNMENTS: Since local government rarely engages in mining operations, there will be little or no impact on these governmental entities.

❖ OTHER PERSONS: Other persons probably will not be affected by this proposed rule change since there is no modification to the existing bonding requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be any significant increase in compliance costs since policies guiding these aspects of reclamation bonds for large mining operations previously existed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Business should not be affected by these rule changes since procedures will not be changed drastically from those which existed under previously existing policies. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
OIL, GAS AND MINING; NON-COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 01/25/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/07/2005 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT and 1/25/2006 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/26/2006

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-4. Large Mining Operations.
R647-4-101. Filing Requirements and Review Procedures.

Prior to commencement of operations, a[~~A~~] Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) [~~or a letter~~]containing all the required information must be filed with and approved by the Division and the Division shall have approved the form and amount of reclamation surety.[~~must be approved by the Division before mining operations begin.~~]

1. Within 30 days after receipt of a Notice of Intention, or within 30 days after receipt of any subsequent submittal, the Division will complete its review and notify the operator in writing:

1.11. That the notice of intention is complete; or

1.12. That the notice of intention is incomplete, and that additional information as identified by the Division will be required.

2. Within 30 days after receipt of the notice of intention or within 30 days following the last action of the operator or Division on the notice of intention, the Division shall reach a tentative decision with respect to the approval or denial of the notice of intention.

Notice of the tentative decision will then be published in accordance with Rule R647-4-116.

3. Division approval of the notice of intention and execution of the Reclamation Contract (FORM MR-RC) by the operator shall bind the Division and the operator in accordance with the Act and implementing regulations; and, shall enable the operator to conduct mining and reclamation activities in accordance therewith.

4. The operator must notify the Division within 30 days of beginning mining operations.

5. A permittee's retention of an approved notice of intention shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

5.11. The Division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for the following notices of intention.

5.11.11. Large Mining Operations (less than 50 acres) (fees calculated on the disturbed acreage permitted/bonded).

5.11.12. Large Mining Operations (greater than 50 acres) (fees calculated on the disturbed acreage permitted/bonded).

5.12. Fees are due beginning July 31, 1998 and thereafter annually, by the last Friday of July as authorized by the Utah Legislature.

5.13. A permittee may avoid payment of the fee by complying with the following requirements:

5.13.11. A permittee will notify the Division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

5.13.12. The permittee will then arrange with the Division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.[

~~5.14. All permit fees which remain uncollected 30 days after the due date will be turned over to the Utah Office of Debt Collection.~~]

R647-4-102. Duration of the Notice of Intention.

The approved notice of intention, including any subsequently approved amendments or revisions, shall remain in effect for the life of the mine. However, the Division may review the permit and require updated information and modifications when warranted. Additionally, failure by the operator to pay permit fees required by R647-4-101(5) or maintain and update reclamation surety as required[~~will suspend an operator's authorization to conduct mining operations and~~] may, after notice and opportunity for Board hearing result in a withdrawal of the approved notice of intention.

R647-4-105. Maps, Drawings and Photographs.

1. A topographic base map must be submitted with the notice of intention. The scale should be approximately 1 inch = 2,000 feet, preferably a USGS 7.5 minute series or equivalent topographic map where available. The following information shall be included on the map:

1.11. Property boundaries of surface ownership of all lands which are to be affected by the mining operations;

1.12. Perennial streams, springs and other bodies of water, roads, buildings, landing strips, electrical transmission lines, water wells, oil and gas pipelines, existing wells, boreholes, or other existing surface or subsurface facilities within 500 feet of the proposed mining operations;

1.13. Proposed route of access to the mining operations from nearest publicly maintained highway. The map scale will be appropriate to show access.

1.14. Known areas which have been previously impacted by mining or exploration activities within the proposed disturbed area.

2. A surface facilities map shall be provided at a scale of approximately 1" = [~~500'~~]200' or other scale as determined necessary by the Division. The following information shall be included on the surface facilities map:

2.11. Proposed surface facilities, including but not limited to buildings, stationary mining/processing equipment, roads, utilities, power lines, proposed drainage control structures, and, the location of topsoil storage areas, tailings or processed waste facilities, disposal areas for overburden, solid and liquid wastes and wastewater discharge treatment and containment facilities;

2.12. A border clearly outlining the acreage proposed to be disturbed by mining operations.

3. The following maps, drawings or cross sections may be required by the Division:

3.11. Regraded Slopes to be left at steeper than 2h:1v;

3.12. Plans, profiles and cross sections of roads, pads or other earthen structures to be left as part of the postmining land use;

3.13. Water impounding structures with embankments greater than 20 feet in height from the upstream toe of the embankment or greater than 20 acre feet in storage capacity;

3.14. Maps identifying surface areas which will be disturbed by the operator but will not be reclaimed, such as solid rock slopes, cuts, roads, or sites of buildings or surface facilities to be left as part of the postmining land use;

3.15. Sediment ponds, diversion channels, culvert size and locations, and other hydrologic designs and features to be incorporated into the mining and reclamation plan;

3.16. Baseline information maps and drawings including soils, vegetation, watershed(s), geologic formations and structure, contour and other such maps which may be required for determination of existing conditions, operations, reclamation and postmining land use;

3.17. A reclamation activities and treatment map to identify the location and the extent of the reclamation work to be accomplished by the operator upon cessation of mining operations. This drawing shall be utilized to determine adequate bonding and reclamation practices for the site;

3.18. Other maps, plans, or cross sections as may reasonably be required by the Division.

4. The operator may submit photographs (prints) of the site sufficient to show existing vegetation and surface conditions. These photographs should show the general appearance and condition of the land to be affected and should be clearly marked as to the location, orientation and the date that the pictures were taken.

5. Copies of the underground and surface mine development maps.

R647-4-106. Operation Plan.

The operator shall provide a narrative description referencing maps or drawings as necessary, of the proposed operations including:

1. Type of mineral(s) to be mined;

2. Type of operations to be conducted, including the mining/processing methods to be used on-site, and the identification of any deleterious or acid forming materials present or to be left on the site as a result of mining or mineral processing;

3. Estimated acreages proposed to be disturbed and/or reclaimed annually or sequentially;

4. A description of the nature of the materials to be mined or processed including waste/overburden materials and the estimated annual tonnages of ore and waste materials to be mined;

5. A description of existing soil types, including the location and extent of topsoil or suitable plant growth material. If no suitable soil material exists, an explanation of the conditions shall be given;

6. A description of the plan for protecting and redepositing existing soils;

7. A description of existing vegetative communities and cover levels, sufficient to establish revegetation success standards in accordance with Rule R647-4-111;

8. Depth to groundwater, extent of overburden material and geologic setting;

9. Proposed location and size of ore and waste stockpiles, tailings facilities and water storage/treatment ponds.

10. Information regarding the amount of material (including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material) extracted, moved or proposed to be moved.

R647-4-110. Reclamation Plan.

Each notice of intention shall include a reclamation plan, including maps or drawings as necessary, consisting of a narrative description of the proposed reclamation including, but not limited to:

1. A statement of the current land use and the proposed postmining land use for the disturbed area;

2. A description of the manner and the extent to which roads, highwalls, slopes, impoundments, drainages, pits and ponds, piles, shafts and adits, drill holes, and similar structures will be reclaimed;

3. A detailed description of any surface facilities to be left as part of the postmining land use, including but not limited to buildings, utilities, roads, pads, ponds, pits and surface equipment;

4. A description of the treatment, location and disposition of any deleterious or acid-forming materials generated and left on-site, including a map showing the location of such materials upon the completion of reclamation;

5. A planting program as best calculated to revegetate the disturbed area.

5.11. Plans shall include, at a minimum, grading and/or stabilization procedures, topsoil replacement, seed bed preparation, seed mixture(s) and rate(s), and timing of seeding (fall seeding is preferred timing);

5.12. Where there is no original protective cover, an alternate practical procedure must be proposed to minimize or control erosion or siltation.

6. A statement that the operator will conduct reclamation as required by these rules.

R647-4-113. Surety.

1. After receiving notification that the notice of intention has been approved, but prior to commencement of operations, the operator shall provide the reclamation surety to the Division. Failure to furnish and maintain reclamation surety may, after notice and opportunity for Board hearing, result in a withdrawal of the approved notice of intention as provided for in Section 40-8-16.

2. The Division will not require a separate surety when a reclamation surety in a form and amount acceptable to the Division is held by [~~the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration, or an agency of the federal government~~]other governmental entities, provided that the cost estimate is accurate and the Division is named as co-beneficiary. Cooperative

Agreements will be developed and entered into according to Section 40-8-22.

3. As part of the review of the notice of intention, the Division shall determine the final amount of surety required to reclaim the mine site. The surety amount will be based upon (a) the technical details of the approved mining and reclamation plan, (b) the proposed post mining land use, and (c) projected third party engineering and administrative costs to cover Division expenses incurred under a bond forfeiture circumstance. An operator's surety estimate will be accepted if it is accurate and verifiable. The Division may accept surety estimates based upon the Minerals Reclamation Program's average dollars per acre reclamation costs, if comparable to site specific cost estimates for similar operations.

4. The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the surety must be approved by the Division, except as provided in subpart 4.16. Acceptable forms may include:

4.11. A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". All surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 4.11 will have 120 days from the date of Division notification after enactment of the changes to subsection 4.11 to achieve compliance or face enforcement action. When the Division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of subsection 4.11., the operator has 120 days after notice from the Division by mail to correct the deficiency, or face enforcement action;

4.12. Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

4.13. Cash;

4.14. An irrevocable letter of credit issued by a bank organized to do business in the United States;

4.15. Escrow accounts.

4.16. The Board may [~~accept~~]approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

5. Surety shall be required until such time as reclamation is deemed complete by the Division. The Division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

5.11. A partial release of surety can be made by the Division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading or vegetation establishment has been successfully performed and the residual amount of retained surety is determined adequate to insure completion of reclamation.

6. [~~Adjustments or revisions made in the surety amount shall be in accordance with the terms and conditions outlined in the Reclamation Contract.~~]The amount of reclamation surety may be adjusted:

6.11. If required to address changes in the reclamation plan due to an amendment or revision to the Notice of Intention under R647-4-118 and R647-4-119;

6.12. As the result of a periodic review by the Division conducted no more frequently than at 5 year intervals unless agreed to by the operator; which shall take into account inflation/deflation based upon an acceptable Costs Index; or

6.13. At the request of the operator.

7. Notwithstanding any other provision of these rules, for operations where the surety is in the form of a Board-approved agreement under Section 40-8-14(3), the Board shall retain the sole authority over the release, partial release, revision or adjustment of the surety amount, if any, which shall be in accordance with the agreement and the Act.

R647-4-114. Failure to Reclaim.

If the operator fails or refuses to conduct reclamation as outlined in the approved notice of intention, the Board may, after notice and hearing, order that reclamation be conducted by the Division and that:

1. The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; or

2. Any surety filed for this purpose be forfeited. With respect to the surety filed with the Division, the Board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where surety or a bond has been filed with [~~the Division of Forestry, Fire and State Lands, The School and Institutional Trust Lands Administration or an agency of the federal government~~]other governmental agencies, the Board shall notify such agency of the hearing findings, and [~~request that the necessary forfeiture action be taken~~]seek forfeiture concurrence as necessary.

KEY: minerals reclamation
[~~October 1, 2001~~]2006
Notice of Continuation July 8, 2003
40-8-1 et seq.

Natural Resources, Oil, Gas and Mining; Non-Coal

R647-5-101

Formal and Informal Proceeding

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28341
FILED: 11/09/2005, 12:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change updates the lists of formal and informal adjudicative procedures available under the Minerals Reclamation Program as they relate to changes brought on by S.B. 65 (2003 Legislature). (DAR NOTE: S.B. 65 (2003) is found at UT L 2003 Ch 35, and was effective 05/05/2003.)

SUMMARY OF THE RULE OR CHANGE: Surety forfeitures are added to the list of formal procedures conducted before the Board, surety releases are added to the list of informal procedures conducted before the Division, and surety form and amount determinations are added to the list of informal procedures to be conducted before the Board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-8-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No impact is expected to be experienced as a result of the adoption of this change because it merely clarifies how certain procedures will be handled in the future.

❖ LOCAL GOVERNMENTS: Since local government rarely engages in mining operations, there is no impact expected for local government.

❖ OTHER PERSONS: Other person who may be impacted by this rule may be legal professionals in the preparation of documents for the formal proceedings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs cannot be determined at this time because the number of contested and other cases is indeterminable. Regardless of number and kind of cases for hearing, there will still be a submittal by an operator followed by agency review.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Business will be affected to a small extent in the early stages of the implementation of this change because it is a different procedural approach to for certain matters for adjudication. Since it clarifies the forum for different matters, it will ultimately be of assistance to business in the long term. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
OIL, GAS AND MINING; NON-COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 01/25/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/07/2005 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT and 1/25/2006 at 10:00 AM, Natural Resources Bldg, 1594 W North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/26/2006

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R647. Natural Resources; Oil, Gas and Mining; Non-Coal.
R647-5. Administrative Procedures.
R647-5-101. Formal and Informal Proceeding.

1. Adjudicative proceedings which shall commence formally before the Board in accordance with the "Rules of Practice and Procedure Before the Board of Oil, Gas and Mining", the R641 rules, include the following: R647-2-112, Failure to Reclaim, Forfeiture of Surety; R647-3-11[~~1~~]2, Failure to Reclaim, Forfeiture of Surety; R647-3-11[~~2~~]3.5, Over 10-Year Suspension; R647-4-114, Failure to Reclaim, Forfeiture of Surety; R647-4-117.4, Over 10-Year Suspension.

2. Adjudicative proceedings which shall commence informally before the Division in accordance with this Rule R647-5 include the following: R647-2-101, Notice of Intent to Commence Mining Operations; R647-2-102, Extension; R647-2-107, Operation Practices; R647-2-108, Unplugged Over 30 Days/Alternative Plan; R647-2-109, Reclamation Practices Variance; R647-2-109.13, Revegetation Approval; R647-2-110, Variance, Revocation or Adjustment of Variance; R647-2-111, Release of Surety; R647-2-114, New or Revised Notice of Intention; R647-3-101, Notice of Intention to Commence Small Mining Operations; R647-3-107, Operation Practices; R647-3-108, Unplugged over 30 Days/Alternate Plan; R647-3-109, Reclamation Practices Variance; R647-3-109.13, Revegetation Approval; R647-3-110, Variance, Revocation, or Adjustment of Variance; R647-3-111, Release of Surety; R647-3-11[~~2~~]3.1, Waiver, Annual Report; R647-3-11[~~2~~]3.3 and R647-3-11[~~2~~]3.4, Termination or Suspension; R647-3-11[~~2~~]3.5, Reevaluations, Reclamation; R647-3-11[~~3~~]4, Mine Enlargement; R647-3-11[4]5, Revisions; R647-3-11[~~6~~]7, Report Waiver; R647-4-101, Notice of Intention to Commence Large Mining Operation; R647-4-102, Updated Information or Modifications; R647-4-107, Operation Practices; R647-4-108, Unplugged over 30 Days/Alternate Plan; R647-4-111, Reclamation Practice, Variance; R647-4-111.13, Revegetation Approval; R647-4-112, Variances, Revocation or Adjustment; R647-4-113, Release of Surety; R647-4-117.3 and R647-4-117.4, Termination or Suspension; R647-4-118, Revisions; R647-4-119, Amendments; R647-4-121, Annual Report, Waiver.

3. Adjudicative proceedings which shall commence before the Board but follow the procedures for the informal process in this Rule R647-5 include the following:

R647-2-111, Surety, Form and Amount; R647-3-111, Surety, Form and Amount; and R647-4-113, Surety, Form and Amount.

KEY: minerals reclamation
[~~1994~~]2006
Notice of Continuation July 8, 2003
40-8-1 et seq.

Public Safety, Highway Patrol
R714-500
Chemical Analysis Standards and Training

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28342
FILED: 11/09/2005, 21:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The first change is due to the recodification of the Utah Code from this year's legislative session. The bill that was introduced and passed was S.B. 5 in the 2005 session, this recodified the the entire traffic code. The second change is for the option of not requiring a notarized affidavit. By code an affidavit requires to be notarized. Section 41-6a-515 does not require that these certificates be called affidavits. By changing the wording to "Certificate of Calibration" this would give us the option to continue with notarizing these documents. (DAR NOTE: S.B. 5 (2005) is found at UT L 2005 Ch 2, and was effective 02/02/2005.)

SUMMARY OF THE RULE OR CHANGE: The first change is changing all the Code references from Subsection 41-6-44.3(1) to Section 41-6a-515. The second change is changing all the wording for "Affidavit" to "Certificate of Calibration".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-6a-515

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: see added admendment.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Currently, the troopers that check the intoxilyzer are required to have the affidavits signed by a notary. When the change is effective, removing the requirement from having these documents notarized will save several hours a month for troopers to locate a notary to sign the affidavits.

❖ LOCAL GOVERNMENTS: All the intoxilyzer that are maintained within the state are owned and maintained by the Department of Public Safety. Therefore, there would not be any cost or savings to local government.

❖ OTHER PERSONS: All the intoxilyzer that are maintained within the state are owned and maintained by the Department of Public Safety. Therefore, there would not be any cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: All the intoxilyzer that are maintained within the state are owned and maintained by the Department of Public Safety. Therefore, there would not be any cost for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses because of this rule. Robert Flowers, Commissioner

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5994, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Winward at the above address, by phone at 801-284-5509, by FAX at 801-284-5556, or by Internet E-mail at swinward@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 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: Scott Duncan, Superintendent

R714. Public Safety, Highway Patrol.
R714-500. Chemical Analysis Standards and Training.
R714-500-2. Authority.

A. This rule is authorized by [~~Subsection~~]Section [~~41-6-44.3(1)~~]41-6a-515 which requires the commissioner of the Department of Public Safety, hereinafter "department", to establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.

R714-500-4. Instrument Certification.

A. Acceptance: All breath alcohol testing instruments employed by Utah law enforcement officers, to be used for evidentiary purposes, shall be approved by the department.

(1) The department shall maintain an approved list of accepted instruments for use in the state. Law enforcement entities shall select breath alcohol instruments from this accepted list, which list shall be available for public inspection at the department during normal working hours.

(2) A manufacturer may make application for approval of an instrument by brand and/or model not on the list. The department shall subsequently examine and evaluate each instrument to determine if it meets criteria specified by this rule and applicable purchase requisitions.

B. Criteria: In order to be approved, each manufacturer's brand and/or model of breath testing instrument shall meet the following criteria.

(1) Breath alcohol analysis of an instrument shall be based on the principle of infra-red energy absorption, or any other similarly effective procedure specified by the department.

(2) Breath specimen collected for analysis shall be essentially alveolar and/or end expiratory in composition according to the analysis method utilized.

(3) The instrument shall analyze a reference sample, such as headspace gas from a mixture of water and a known weight or volume of ethanol, held at a constant temperature, or a compressed inert gas and alcohol mixture in a pressurized cylinder. The result of the analysis must agree with the reference sample's predicted value, within plus or minus 5%, or .005, whichever is greater, or such limits as set by the department. For example, if a known reference sample is .10, a plus or minus range of 5%=.005 (.10 x 5 %= .005). The test result, using a known .10 solution or compressed inert gas and alcohol solution, could range from .095-.105.

(4) The instrument shall provide an accurate and consistent analysis of breath specimen for the determination of alcohol concentration for law enforcement purposes. The instrument shall function within the manufacturer's specifications of:

(a) electrical power,
(b) operating temperature,
(c) internal purge,
(d) internal calibration,
(e) diagnostic measurements,
(f) invalid test procedures,
(g) known reference sample testing,
(h) measurements of breath alcohol, as displayed in grams of alcohol per 210 liters of breath.

(5) Any other tests, deemed necessary by the department, may be required in order to correctly and adequately evaluate the instrument, to give the most accurate and correct results in routine breath alcohol testing and be practical and reliable for law enforcement purposes.

C. List: Upon proof of compliance with this rule, an instrument may be approved by brand and/or model and placed on the list of accepted instruments. By inclusion on the department's list of accepted instruments, it will be deemed to have met the criteria listed above.

D. Certification: All breath alcohol instruments purchased for law enforcement evidentiary purposes, shall be certified before being placed into service.

(1) The breath alcohol testing program supervisor, hereinafter, "program supervisor", shall determine if each individual instrument, by serial number, conforms to the brand and/or model that appears on the commissioner's accepted list.

(2) Once an individual instrument has been purchased, found to be operating correctly and placed into service, the [~~affidavit~~]Certificate of Calibration with the serial number of that instrument, shall be placed in a file for certified instruments. [~~Affidavits~~]Certificates of Calibration verifying the certification of any breath testing instrument shall be available during normal business hours through the Department of Public Safety, more specifically the Utah Highway Patrol Training Section, 5681 S. 320 West, Murray, UT 84107.

(3) The department may, at any time, determine if a specific instrument is unreliable and/or unserviceable. Pending such a finding, an instrument may be removed from service and certification may be withdrawn.

(4) Only certified breath alcohol testing technicians, hereinafter "technicians", as defined by Section 7 of this rule when required, shall be authorized to provide expert testimony concerning the certification and all other aspects of the breath testing instrument under his/her supervision.

R714-500-5. Program Certification.

A. All breath alcohol testing techniques, methods, and programs, hereinafter "program", must be certified by the department.

B. Prior to initiating a program, an agency or laboratory shall submit an application to the department for certification. The application shall show the brand and/or model of the instrument to be used and contain a resume of the program to be followed. An on-site inspection shall be made by the department to determine compliance with all applicable provisions in this rule.

C. Certification of a program may be denied, suspended, or revoked by the department if, based on information obtained by the department, program supervisor, or technician, the agency or laboratory fails to meet the criteria as outlined by the department.

D. All programs, in order to be certified, shall meet the following criteria:

(1) The results of tests to determine the concentration of alcohol on a person's breath shall be expressed as equivalent grams of alcohol per 210 liters of breath. The results of such tests shall be entered in a permanent record book for department use.

(2) Printed checklists, outlining the method of properly performing breath tests shall be available at each location where tests are given. Test record cards used in conjunction with breath testing shall be available at each location where tests are given. Both the checklist and test record card, after completion of a test should be retained by the operator.

(3) The instruments shall be certified on a routine basis, not to exceed 40 days between calibration tests, by a technician, depending on location of instruments and area of responsibility.

(4) Certification procedures to certify the breath testing instrument shall be performed by a technician as required in this rule, or by using such procedures as recommended by the manufacturer of the instrument to meet its performance specifications, as derived from:
(a) electrical power tests,
(b) operating temperature tests,
(c) internal purge tests,
(d) internal calibration tests,
(e) diagnostic tests,
(f) invalid function tests,
(g) known reference samples testing, and
(h) measurements displayed in grams of alcohol per 210 liters of breath.

(5) Results of tests for certification shall be kept in a permanent record book retained by the technician. A report of the certification procedure shall be recorded on the approved form [~~(affidavit)~~]Certificate of Calibration and sent to the program supervisor.

(6) Except as set forth in paragraph 7 in this section, all analytical results on a subject test shall be recorded, using terminology established by state statute and reported to three decimal places. For example, a result of 0.237g/210L shall be reported as 0.237.

(7) Internal standards on a subject test do not have to be recorded numerically.

(8) The instrument must be operated by either a certified operator or technician.

KEY: alcohol, intoxilyzer, breath testing, operator certification
[~~October 3, 2002~~]2006
Notice of Continuation May 12, 2005
[~~41-6-44.3~~]41-6a-515
63-46b

♦ ♦

Transportation, Administration
R907-68
Prioritization of New Transportation Capacity Projects

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 28358
FILED: 11/15/2005, 17:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is required by S.B. 11 from the 2005 legislature. (DAR NOTE: S.B. 11 (2005) is found at UT L 2005 Ch 80, and was effective 05/02/2005.)

SUMMARY OF THE RULE OR CHANGE: This rule provides a process by which local government can suggest to the department and the transportation commission new capacity projects on state roads. It defines criteria that will be reviewed to determine whether the proposals are acceptable and the manner in which they will be approved.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: Use of the process created by this rule may lead to an increase in staff time from reviewing local government requests, but the cost is unknown.
- LOCAL GOVERNMENTS: A local government will only incur a cost if it chooses to contribute money for a project.
- OTHER PERSONS: This rule will not add costs to any other person.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Complying with this rule costs nothing. There is no application fee. Local governments will only have a cost if they choose to use it and those costs will be their own staff and employee time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on business. John R. Njord, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2006

AUTHORIZED BY: John R. Njord, Executive Director

R907. Transportation, Administration.
R907-68. Prioritization of New Transportation Capacity Projects.
R907-68-1. Definitions.

(1) "ADT" means Average Daily Traffic, which is the volume of traffic on a road, annualized to a daily average.

(2) "Capacity" means the maximum hourly rate at which vehicles reasonably can be expected to traverse a point or a uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.

(3) "Commission" means the Transportation Commission, which is created in Utah Code Ann. Section 72-1-301.

(4) "Economic Impact" is a forecast of the economic benefit that a proposed transportation project will cause. It may include employment growth, employment retention, tourism growth, freight movements, tax base increase, and traveler or user cost savings in relation to construction costs.

(5) "Functional Classification" means the description of the road as one of the following:

(a) Rural Interstate;

(b) Rural Other Principle Arterial;

(c) Rural Minor Arterial;

(d) Rural Major Collector;

(e) Urban Interstate;

(f) Urban Other Freeway and Expressway;

(g) Urban Other Principle Arterial;

(h) Urban Minor Arterial;

(i) Urban Collector;

(6) "Major New Capacity Project" means a transportation project that costs more than $5,000,000 and accomplishes any of the following:

(a) Add new roads and interchanges;

(b) Add new lanes;

(c) Modify existing interchange for capacity or economic development purpose.

(7) "MPO" as used in this section means metropolitan planning organization as defined in Utah Code Ann. Section 72-1-208.5.

(8) "Safety" means an analysis of the current safety conditions of a transportation facility. It includes an analysis of crash rates and crash severity.

(9) "Strategic Goals" means the Utah Department of Transportation Strategic Goals.

(10) "Strategic Initiatives" means the implementation strategies the Department will use to achieve the "Strategic Goals".

(11) "Transportation Efficiency" is the roadway attributes such as ADT, Truck ADT, Volume to Capacity, roadway Functional Classification, and Transportation Growth.

(12) "Transportation Growth" means the projected percentage of average annual increase in ADT.

(13) "Truck ADT" means the ADT of truck traffic on a road, annualized to a daily average.

(14) "Volume to Capacity Ratio" means the ratio of hourly volume of traffic to capacity for a transportation facility (measure of congestion).

R907-68-2. Authority and Purpose.

Utah Code Ann. Section 72-1-304, as enacted by Senate Bill 25, 2005 General Session, directs the Commission, in consultation with the Department and the Metropolitan Planning Organizations in the State, to issue rules that establish a prioritization process for new transportation projects that meet the Department's strategic goals. This rule fulfills that directive.

R907-68-3. Application of Strategic Initiatives to Projects.

The Department will use the Strategic Goals to guide the process:

(1) The Department will first seek to preserve current infrastructure and to optimize the capacity of the existing highway infrastructure before applying funds to increase capacity by adding new lanes.

(2) The Department will address means to improve the capacity of the existing system through technology like intelligent transportation systems, access management, transportation demand management, and others.

(3) The Department will assess safety through projects addressed in paragraph (1) and (2) above. The Department will also target specific highway locations for safety improvements.

(4) Adding new capacity projects will be recommended after considering items in paragraph (1), (2) and (3).

(5) All recommendations will be forwarded to the Transportation Commission for their review/action.

R907-68-4. Prioritization of Major New Capacity Projects List.

(1) Major New Capacity Projects will be compiled from the State of Utah Long Range Transportation Plan.

(2) The list will be first prioritized based upon Transportation Efficiency Factors, and Safety Factors. Each criterion of these factors will be given a specific weight.

(3) The Major New Capacity Projects will be ranked from highest to lowest with priority being assigned to the projects with highest overall rankings.

(4) The Transportation Commission will further evaluate the projects with highest rankings considering contributing components that include other factors such as economic impact.

(5) For each Major New Capacity Project, the Department will provide a description of how completing that project will fulfill the Department's strategic goals.

(6) The Transportation Commission may consider other factors not listed above, in the final selection process. Their decision shall be made in a public meeting forum.

R907-68-5. Commission Discretion.

The Commission, in consultation with the department and with MPOs, may establish additional criteria or use other considerations in prioritizing Major New Capacity Projects. If the Commission prioritizes a project over another project that has a higher rank under the criteria set forth in R907-68-4, the Commission shall identify the change and the reasons for it, and accept public comment at one of the public hearings held pursuant to R907-68-7.

R907-68-6. Need for Local Government Participation for Interchanges.

New interchanges for economic development purposes on existing roads will not be included on the Major New Capacity Project list unless the local government with geographical jurisdiction over the interchange location contributes at least 50% of the cost of the interchange from private, local, or other non-UDOT, funds.

R907-68-7. Public Hearings.

Before deciding the final prioritization list and funding levels, the Commission shall hold public hearings at locations around the state to accept public comments on the prioritization process and on the merits of the projects.

KEY: transportation commission, transportation, roads, capacity
2006
72-1-201

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End of the Notices of 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, Regulatory Services

R70-910

Voluntary Registration of Servicemen and Service Agencies for Commercial Weighing and Measuring Devices

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28328
FILED: 11/03/2005, 15:52

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 4-9-2 authorizes the department to make and enforce such rules as in its judgment are necessary to administer and enforce this chapter.

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 allows the Department of Agriculture and Food to accept voluntary registration of an individual or agency that provides acceptable evidence that they are fully qualified to install, service, repair, or recondition a commercial weighing or measuring device; has a working knowledge of all weights and measures laws, orders, rules and regulations; and has accessible for his use, weights and measures standards and testing equipment certified by the department. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Brett Gurney or Marolyn Leetham at the above address, by phone at 801-538-7158 or 801-538-7114, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at bgurney@utah.gov or mleetham@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 11/03/2005

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Agriculture and Food, Regulatory Services

R70-950

Uniform National Type Evaluation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28329
FILED: 11/03/2005, 16:18

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 4-9-2 authorizes the department to make and enforce such rules as in its judgment are necessary to administer and enforce this chapter.

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 applies to all classes of devices and/or equipment as covered in the National Institute of Standards and Technology (NIST) Handbooks. These handbooks determine the specifications, tolerances, and other technical requirements for weighing and measuring devices. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD
REGULATORY SERVICES
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Marolyn Leetham or Brett Gurney at the above address, by phone at 801-538-7114 or 801-538-7158, by FAX at 801-538-7126 or 801-538-7126, or by Internet E-mail at mleetham@utah.gov or bgurney@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 11/03/2005

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Community and Economic Development, Community Development, Library

R223-2

Public Library Online Access for Eligibility to Receive Public Funds

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28333
FILED: 11/07/2005, 10:45

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: Rule R223-2 was originally adopted in 2001 in response to the passage of H.B. 157 (amending the State Library Division statute, Section9-7-215), which required that public libraries with their boards have adopted an Internet safety policy in order to be eligible to receive state dollars. Rule R223-2 defines the procedures, actions, organizational relationships, and timetable for the initial implementation of the provisions of the Act, and for the periodic review of such policies, as required by the Legislature. The 2004 Legislature adopted H.B. 341, which further amended Section 9-7-215, requiring that public libraries not only have a Board-approved Internet safety policy, but that "technology protection measures" (Internet filters) also be in operation on all library Internet workstations open to the public. Rule R223-2 was formally amended in September of 2004 to accommodate the technical aspects of H.B. 341. (DAR NOTE: H.B. 157 (2001) is found at UT L 2001 Ch 182, and was effective 04/30/2001. H.B. 341 (2004) is found at UT L 2004 Ch 193, and was effective 05/03/2004.)

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 on Rule R223-2 have been received since the original adoption of the rule in 2001. All of Utah's public library jurisdictions that otherwise qualify for state funds have complied with the provisions of the law, with the exception of one library.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since 2001, the Utah State Legislature has acted three times to establish and clarify its intention that Utah's public libraries have adopted Internet safety policies that include the operation of a technology protection measure in order to be eligible to receive public funds. In 2002, the Legislature actually added the provisions of Rule R223-2 into the State Library Division's statute (Section 9-7-216), requiring that each library board formally review its policy at least every three years. The next review under the law is scheduled for completion on July 1, 2007. It is clear that the Legislature at this time intends that the provisions and procedures established and governed by Rule R223-2 extend indefinitely into the future. Therefore, this rule should be continued.

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

COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, LIBRARY
Room A
250 N 1950 W
SALT LAKE CITY UT 84116-7901, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Douglas Abrams at the above address, by phone at 801-715-6747, by FAX at 801-715-6767, or by Internet E-mail at dabrams@utah.gov

AUTHORIZED BY: Donna J. Morris, Director

EFFECTIVE: 11/07/2005

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Environmental Quality, Air Quality
R307-170
Continuous Emission Monitoring Program

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28326
FILED: 11/03/2005, 08:41

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: The Air Quality Board is allowed by Subsection 19-2-104(1)(c) to make rules "...requiring persons engaged in operations which result in air pollution to: (i) install, maintain, and use emission monitoring devices, as the board finds necessary; (ii) file periodic reports containing information relating to the rate, period of emission, and composition of the air contaminant; and (iii) provide access to records relating to emissions which cause or contribute to air pollution." Also, Subsection 19-2-104(3)(q) allows the Board to "...meet the requirements of federal air pollution laws." Federal provisions that require certain sources to conduct continuous monitoring include federal Clean Air Act Title IV, the Acid Rain program. In addition, 40 CFR Part 51, Appendix P, states that "This appendix P sets forth the minimum requirements for continuous emission monitoring and recording that each State Implementation Plan must include in order to be approved under the provisions of 40 CFR 51.165(b)." Rule R307-170 meets these provisions by specifying how certain sources of air pollution must comply with federal and state requirements to install and operate equipment that continuously monitors certain pollutants; it is approved by EPA as a part of Utah's state implementation plan.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-170 was amended once in the past five years (DAR No. 25247, effective December 5, 2002); no comments were received. A written comment was received by the Division of Air Quality on March 7, 2005, noting that the requirements of Rule R307-170, the continuous emissions monitoring, are different from the current version of 40 CFR Part 75, CEM provisions of the federal Acid Rain program. The intent of Rule R307-170 was to be the same as 40 CFR Part 75. The Air Quality staff reviewed this comment and found that the performance audit requirements of Section R307-170-7, Performance Specification Audits, conflict with 40 CFR Part 75, Appendix A, Section 6.2 performance audits requirements for acid rain monitors with an instrument range of equal to or less than 30-ppm. In response, Air Quality staff drafted revisions to Rule R307-170, these changes were proposed for public comment (DAR No. 28226 in the October 1, 2005, Bulletin) from October 1, 2005, to October 31, 2005, no oral or written comments were received. The Air Quality Board is scheduled to consider this proposal for final adoption at the December 2005 Board meeting.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-170 is a required component of Utah's air quality program. The rule ensures that large sources of air pollution do not exceed emission limits for air pollutants that are harmful to human health. In addition, Rule R307-170 is a federally-required component of Utah's State Implementation plan, and cannot be deleted without EPA approval.

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:
Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 11/03/2005

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Health, Health Care Financing, Coverage and Reimbursement Policy
R414-63
Medicaid Policy for Pharmacy Reimbursement

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28336
FILED: 11/08/2005, 15:48

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 26-1-5 that grants the Utah Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, Section 26-18-3 requires the Department to administer the Medicaid program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written or oral comments have been received regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because it implements Medicaid policy for the reimbursement of pharmacy providers, implements policy for client and prescriber utilization review, and grants final authority to the prescriber in what or he or she prescribes.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 11/08/2005

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Human Services, Administration, Administrative Hearings
R497-100
Adjudicative Proceedings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28318
FILED: 11/02/2005, 17:00

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule outlines the administrative hearing process for the Department of Human Services as required by Section 63-46b-1 et seq.

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: Section 63-46b-1 et seq. requires administrative agencies to designate hearings as formal or informal and to outline the procedures to be followed in administrative hearings before each particular agency. This rule is required for Human Services to have a hearing process and therefore should be continued.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE HEARINGS
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:
Elizabeth Knight at the above address, by phone at 801-538-3902, by FAX at 801-538-4604, or by Internet E-mail at eaknight@utah.gov

AUTHORIZED BY: Elizabeth Knight, Director

EFFECTIVE: 11/02/2005

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Insurance, Administration
R590-175
Basic Health Care Plan Rule

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28334
FILED: 11/08/2005, 09:32

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 31A-2-201 allows the commissioner to write rules to implement the provisions of Title 31A. Subsection 31A-22-613.5(2)(a) requires the commissioner to adopt a basic health care plan to be offered under the open enrollment provisions of Chapter 30 of Title 31A. This rule sets standards for the basic health care plan and applies to all insurance marketing health insurance policies subject to the open enrollment provisions of Chapter 30.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments in the past five years regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is the baseline for individual offerings in the health insurance market. Also, it is the standard for the conversion policy that must be offered for group plans. 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: 11/08/2005

Money Management Council, Administration
R628-13
Collateralization of Public Funds

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28332
FILED: 11/07/2005, 09:21

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 51-7-18 says that the Council may only make a rule requiring collateral in the event that a qualified depository goes over its maximum allotment of public funds they can hold over the federally-insured amount. This rule delineates what conditions must occur for collateral to be taken in and for how long where the collateral is to be delivered and when it will be returned.

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 since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: In the event that a qualified depository goes over its maximum allotment, the Council has to have procedures in place to take in collateral to cover the overage. This rule provides those procedures. If it were not in place and an institution went over its allotment then public funds would not be covered. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
MONEY MANAGEMENT COUNCIL
ADMINISTRATION
Room E315 EAST OFFICE BLDG
STATE CAPITOL COMPLEX
PO BOX 142315
SALT LAKE CITY UT 84114-2315, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@utah.gov

AUTHORIZED BY: Bruce B. Cohne, Chair

EFFECTIVE: 11/07/2005

Money Management Council, Administration
R628-16
Certification as a Dealer

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28327
FILED: 11/03/2005, 11:34

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 51-7-18 requires the Money Management Council to make rules that govern who may become a certified dealer and the procedures for maintaining and revoking that status.

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 since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Many treasurers in the state use certified dealers and if the requirements and procedures to be a certified dealer are removed then they would lose that ability to invest public funds. Additionally, the rule provides a criteria that broker dealers have to follow to sell securities to public treasurers, including signing a statement saying they have read the Money Management Act (Title 51, Chapter 7) and agree to abide by it. This requirement helps to protect public funds. Therefore, this rule should be continued.

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

MONEY MANAGEMENT COUNCIL
ADMINISTRATION
Room E315 EAST OFFICE BLDG
STATE CAPITOL COMPLEX
PO BOX 142315
SALT LAKE CITY UT 84114-2315, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@utah.gov

AUTHORIZED BY: Bruce B. Cohne, Chair

EFFECTIVE: 11/03/2005

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Natural Resources, Oil, Gas and Mining; Oil and Gas

R649-4

Determination of Well Categories Under the Natural Gas Policy Act of 1978

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28335
FILED: 11/08/2005, 11:00

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 40-6-1 et seq., the Board and Division of Oil, Gas, and Mining are assigned exclusive jurisdiction over the management of the Oil and Gas Resources of the State to assure their development in accord with existing law, good conservation practices, and each owner's correlative rights.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in the last five years that are in support or opposition to the continuation of this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is just one of many tools that may be used by the Board and Division to assure that petroleum is developed in Utah in an orderly and equitable manner. This rule allows the Board to categorize certain wells as having tight gas reservoirs, thus allowing certain operators to qualify for Federal tax benefits. Therefore, this rule should be continued.

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

NATURAL RESOURCES
OIL, GAS AND MINING; OIL AND GAS
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@utah.gov

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

EFFECTIVE: 11/08/2005

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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Capitol Preservation Board (State)
Administration
No. 27973 (NEW): R131-5. Board Review, Compensation and Incentive Award Process.
Published: June 15, 2005
Effective: November 15, 2005

No. 27973 (CPR): R131-5. Board Review, Compensation and Incentive Award Process.
Published: October 15, 2005
Effective: November 15, 2005

Commerce
Occupational and Professional Licensing
No. 28254 (AMD): R156-1. General Rules of the Division of Occupational and Professional Licensing.
Published: October 15, 2005
Effective: November 15, 2005

Environmental Quality
Air Quality
No. 28130 (AMD): R307-214-2. Part 63 Sources.
Published: September 1, 2005
Effective: November 3, 2005

No. 28131 (AMD): R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.
Published: September 1, 2005
Effective: November 3, 2005

Drinking Water
No. 27965 (AMD): R309-535. Facility Design and Operation: Miscellaneous Treatment Methods.
Published: June 15, 2005
Effective: November 16, 2005

No. 27965 (CPR): R309-535. Facility Design and Operation: Miscellaneous Treatment Methods.
Published: October 15, 2005
Effective: November 16, 2005

Human Services
Administration, Administrative Services, Licensing
No. 28191 (NEW): R501-14. Background Screening.
Published: September 15, 2005
Effective: November 16, 2005

No. 28268 (REP): R501-14. Criminal Background Screening.
Published: October 15, 2005
Effective: November 16, 2005

No. 28270 (REP): R501-18. Abuse Background Screening.
Published: October 15, 2005
Effective: November 16, 2005

Services for People with Disabilities
No. 28210 (REP): R539-6. Purchase of Service Provider Requirements.
Published: October 1, 2005
Effective: November 4, 2005

Labor Commission
Adjudication
No. 28259 (AMD): R602-2-3. Compensation for Medical Testimony.
Published: October 15, 2005
Effective: November 15, 2005

Transportation
Motor Carrier
No. 28242 (AMD): R909-1. Safety Regulations for Motor Carriers.
Published: October 1, 2005
Effective: November 4, 2005

No. 28243 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
Published: October 1, 2005
Effective: November 4, 2005

Motor Carrier, Ports of Entry
No. 28241 (AMD): R912-9. Pilot/Escort Requirements and Certification Program.
Published: October 1, 2005
Effective: November 4, 2005

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2005, including notices of effective date received through November 15, 2005, the effective dates of which are no later than December 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					
Administrative Rules					
R15-1	Administrative Rule Hearings	28261	5YR	09/29/2005	2005-20/63
R15-2	Public Petitioning for Rulemaking	28262	5YR	09/29/2005	2005-20/63
R15-3	Definitional Clarification of Administrative Rule	28264	5YR	09/29/2005	2005-20/64
R15-4	Administrative Rulemaking Procedures	28265	5YR	09/29/2005	2005-20/65
R15-5	Administrative Rules Adjudicative Proceedings	28266	5YR	09/29/2005	2005-20/65
Child Welfare Parental Defense (Office of)					
R19-1	Parental Defense Training Standards	27518	CPR	05/13/2005	2005-2/94
R19-1	Parental Defense Counsel Training	27518	NEW	05/13/2005	2004-22/9
Facilities Construction and Management					
R23-1	Procurement of Construction	27603	AMD	03/15/2005	2005-2/2
R23-1-60	Construction Contract Clauses	28163	AMD	10/18/2005	2005-18/5

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-2	Procurement of Architect-Engineer Services	27605	AMD	03/15/2005	2005-2/7
R23-3	Planning and Programming for Capital Projects	27615	AMD	03/15/2005	2005-2/9
R23-4	Suspension/Debarment and Contract Performance Review Committee	27610	AMD	03/15/2005	2005-2/10
R23-26	Dispute Resolution	27614	NEW	03/15/2005	2005-2/12
Finance					
R25-7	Travel-Related Reimbursements for State Employees	27848	AMD	07/01/2005	2005-10/7
Fleet Operations					
R27-1-2	Definitions	27546	AMD	01/10/2005	2004-23/3
R27-3-6	Application for Commute or Take Home Use	27599	NSC	02/01/2005	Not Printed
R27-3-12	Daily Motor Pool Sedans, Four Wheel Drive Sport Utility Vehicle (4x4 SUV), Cargo Van, Multi-Passenger Van and Alternative Fuel Vehicle Lease Criteria	28025	AMD	10/03/2005	2005-13/5
R27-4	Vehicle Replacement and Expansion of State Fleet	27543	AMD	01/10/2005	2004-23/5
R27-4-1	Authority	27594	NSC	02/01/2005	Not Printed
R27-6	Fuel Dispensing Program	27544	AMD	01/10/2005	2004-23/7
Records Committee					
R35-1	State Records Committee Appeal Hearing Procedures	27880	AMD	07/14/2005	2005-11/5
R35-1a	State Records Committee Definitions	27621	NEW	03/08/2005	2005-2/17
R35-1a	State Records Committee Definitions	27700	NSC	04/01/2005	Not Printed
R35-2	Declining Appeal Hearings	27625	AMD	03/04/2005	2005-2/18
R35-3	Prehearing Conferences	27622	AMD	03/04/2005	2005-2/19
R35-4	Compliance with State Records Committee Decisions and Orders	27624	AMD	03/04/2005	2005-2/20
R35-5	Subpoenas Issued by the Records Committee	27623	AMD	03/04/2005	2005-2/21
R35-6	Expedited Hearing	27620	AMD	03/04/2005	2005-2/22
Administration					
R65-1	Utah Apple Marketing Order	28204	5YR	09/02/2005	2005-19/39
R65-3	Utah Turkey Marketing Order	28205	5YR	09/02/2005	2005-19/40
R65-4	Utah Egg Marketing Order	28206	5YR	09/02/2005	2005-19/40
R994-307-101	Relief of Charges to Contributing Employers	27919	AMD	09/29/2005	2005-11/71
R994-309-105	Reimbursable Employer's Liability for Benefits Paid	27921	AMD	09/29/2005	2005-11/72
R994-311	Governmental Units	27922	AMD	09/29/2005	2005-11/73
R994-401	Payment of Benefits	27924	AMD	09/29/2005	2005-11/75
R994-403-123	Obligation of Department Employees	27937	AMD	09/29/2005	2005-12/86
R994-404-101	Claimants Who Qualify for an Adjustment to the Base Period	27926	AMD	09/29/2005	2005-11/76
R994-405	Ineligibility for Benefits	27927	AMD	09/29/2005	2005-11/77
R994-406	Fraud and Fault	27928	AMD	09/29/2005	2005-11/79
R994-508-109	Hearing Procedure	27936	AMD	09/29/2005	2005-12/86
Agriculture and Food					
Administration					
R51-1	Public Petitions for Declaratory Rulings	28196	5YR	09/02/2005	2005-19/36
Animal Industry					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	27570	AMD	01/18/2005	2004-24/5

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	28287	NSC	11/01/2005	Not Printed
R58-1-7	Swine	27687	AMD	03/18/2005	2005-4/8
R58-2	Diseases, Inspections and Quarantines	27581	AMD	02/01/2005	2005-1/9
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	27688	5YR	02/01/2005	2005-4/47
R58-10	Meat and Poultry Inspection	27693	5YR	02/03/2005	2005-5/28
R58-11	Slaughter of Livestock	28197	5YR	09/02/2005	2005-19/36
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	28198	5YR	09/02/2005	2005-19/37
R58-13	Custom Exempt Slaughter	28199	5YR	09/02/2005	2005-19/37
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	28200	5YR	09/02/2005	2005-19/38
R58-16	Swine Garbage Feeding	28201	5YR	09/02/2005	2005-19/38
R58-17	Aquaculture and Aquatic Animal Health	27696	5YR	02/03/2005	2005-5/28
R58-17	Aquaculture and Aquatic Animal Health	28119	AMD	09/15/2005	2005-16/2
R58-17	Aquaculture and Aquatic Animal Health	28247	NSC	10/01/2005	Not Printed
R58-21	Trichomoniasis	27694	5YR	02/03/2005	2005-5/29
R58-22	Equine Infectious Anemia (EIA)	27695	5YR	02/03/2005	2005-5/29
Chemistry Laboratory					
R63-1	Fee Schedule	28203	5YR	09/02/2005	2005-19/39
Marketing and Conservation					
R65-1	Utah Apple Marketing Order	28154	NSC	09/01/2005	Not Printed
R65-2	Utah Cherry Marketing Order	28155	NSC	09/01/2005	Not Printed
R65-3	Utah Turkey Marketing Order	28156	NSC	09/01/2005	Not Printed
R65-4	Utah Egg Marketing Order	28157	NSC	09/01/2005	Not Printed
R65-5	Utah Red Tart and Sour Cherry Marketing Order	28158	NSC	09/01/2005	Not Printed
R65-7	Horse Racing	28159	NSC	09/01/2005	Not Printed
R65-8	Management of the Junior Livestock Show Appropriation	28160	NSC	09/01/2005	Not Printed
R65-10	Agriculture Resource Development Loans (ARDL)	27787	5YR	03/31/2005	2005-8/56
R65-10	Agriculture Resource Development Loans (ARDL)	28153	NSC	09/01/2005	Not Printed
R65-11	Utah Sheep Marketing Order	28161	NSC	09/01/2005	Not Printed
Plant Industry					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	28207	5YR	09/06/2005	2005-19/41
R68-2	Utah Commercial Feed Act Governing Feed	28208	5YR	09/06/2005	2005-19/41
R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	27645	5YR	01/07/2005	2005-3/58
R68-6	Utah Nursery Act	28209	5YR	09/06/2005	2005-19/42
R68-8-2	Noxious Weed Seeds and Weed Seed Restrictions	27773	NSC	05/01/2005	Not Printed
R68-9-2	Designation and Publication of State Noxious Weeds	27774	NSC	05/01/2005	Not Printed
R68-10	Quarantine Pertaining to the European Corn Borer	28211	5YR	09/06/2005	2005-19/42
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R628-15	Certification as an Investment Adviser	27743	NEW	05/05/2005	2005-7/60
R628-16	Certification as a Dealer	28327	5YR	11/03/2005	2005-23/69
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R645-400	Inspection and Enforcement: Division Authority and Procedures	27779	5YR	03/25/2005	2005-8/58
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R649-2	General Rules	28068	NSC	08/01/2005	Not Printed
R649-3	Drilling and Operating Practices	28073	NSC	08/01/2005	Not Printed
R649-4	Determination of Well Categories Under the Natural Gas Policy Act of 1978	28335	5YR	11/08/2005	2005-23/70
R649-5	Underground Injection Control of Recovery Operations and Class II Injection Wells	28069	NSC	08/01/2005	Not Printed
R649-6	Gas Processing and Waste Crude Oil Treatment	28070	NSC	08/01/2005	Not Printed

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R649-9	Waste Management and Disposal	28072	NSC	08/01/2005	Not Printed
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R651-101	Adjudicative Proceedings	28091	5YR	07/14/2005	2005-15/48
R651-101	Adjudicative Proceedings	28100	NSC	08/01/2005	Not Printed
R651-202	Boating Advisory Council	27560	AMD	01/15/2005	2004-24/28
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R651-206	Carrying Passengers for Hire	27561	AMD	01/15/2005	2004-24/29
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R651-211	Assigned Numbers	27563	AMD	01/15/2005	2004-24/33
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R651-222-5	Muffler Bypass or Alteration Prohibited	28162	AMD	10/18/2005	2005-18/45
R651-223	Vessel Accident Reporting	28092	5YR	07/14/2005	2005-15/48
R651-401	Off-Highway Vehicle and Registration Stickers	27566	AMD	01/15/2005	2004-24/37
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R651-634	Snowmobile User Fees - Non-Residents	28093	NSC	08/01/2005	Not Printed
R651-634-1	User Fees	27920	NSC	06/01/2005	Not Printed
R651-635	Commercial Use of Division Managed Park Areas	28297	5YR	10/24/2005	2005-22/51
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R652-70-1900	Camping and Motor Vehicles	27750	AMD	05/20/2005	2005-7/66
R652-70-2300	Management of Bear Lake Sovereign Lands	27740	AMD	05/20/2005	2005-7/67
R652-120	Wildland Fire	27843	5YR	04/28/2005	2005-10/53
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R655-3	Reports of Water Right Conveyance	27690	5YR	02/01/2005	2005-4/54
R655-4	Water Well Drillers	27392	AMD	01/12/2005	2004-18/30
R655-4	Water Well Drillers	27691	5YR	02/01/2005	2005-4/55
R655-4	Water Well Drillers	27475	NSC	02/01/2005	Not Printed
R655-4-9	Well Drilling and Construction Requirements	28051	NSC	09/01/2005	Not Printed
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	28032	NEW	08/15/2005	2005-13/34
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R657-5	Taking Big Game	27865	AMD	07/05/2005	2005-11/61
R657-5	Taking Big Game	28364	5YR	11/21/2005	Not Printed
R657-6	Taking Upland Game	28082	5YR	07/08/2005	2005-15/49
R657-6	Taking Upland Game	28081	AMD	09/06/2005	2005-15/7
R657-9	Taking Waterfowl, Common Snipe and Coot	28187	AMD	10/25/2005	2005-18/49
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R657-13	Taking Fish and Crayfish	27432	AMD	01/03/2005	2004-20/33
R657-13	Taking Fish and Crayfish	27432	CPR	01/03/2005	2004-22/66
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R657-15	Closure of Gunnison, Cub and Hat Islands	27862	AMD	07/05/2005	2005-11/63
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R657-33	Taking Bear	27649	AMD	03/04/2005	2005-3/36
R657-33-2	Definitions	27751	NSC	04/01/2005	Not Printed
R657-37	Cooperative Wildlife Management Units for Big Game	27551	AMD	01/15/2005	2004-24/45
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R657-41	Conservation and Sportsman Permits	28366	5YR	11/21/2005	Not Printed
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R657-42-4	Surrenders	27553	AMD	01/15/2005	2004-24/53
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R657-47	Trust Fund Permits (5YR EXTENSION)	27637	NSC	03/04/2005	Not Printed
R657-55	Wildlife Convention Permits	27827	NEW	06/01/2005	2005-9/38
R657-56	Recreational Lease of Private Lands for Free Public Walk-in Access	28263	NEW	11/16/2005	2005-20/45
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R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	27542	NSC	01/01/2005	Not Printed
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R708-16	Pedestrian Vehicle Rule	28108	NSC	08/01/2005	Not Printed
R708-18	Regulatory and Administrative Fees	28165	AMD	10/27/2005	2005-18/60
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R710-4-3	Amendments and Additions	27653	AMD	03/04/2005	2005-3/44
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R850-25	Mineral Leases and Materials Permits	27606	NEW	04/01/2005	2005-2/81
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R850-50	Range Management	27811	AMD	06/01/2005	2005-9/49
R850-130	Materials Permits	27602	REP	04/01/2005	2005-2/89
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R865-19S-6	Tax Collection Pursuant to Utah Code Ann. Section 59-12-107	27868	AMD	07/20/2005	2005-11/64
R865-19S-8	Bonds and Securities Pursuant to Utah Code Ann. Section 59-12-107	27931	AMD	07/20/2005	2005-12/73
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R865-19S-32	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-103	27820	AMD	07/01/2005	2005-9/54
R865-19S-51	Fabrication and Installation Labor in Connection With Retail Sales of Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103	27822	AMD	07/01/2005	2005-9/55
R865-19S-52	Federal, State and Local Taxes Pursuant to Utah Code Ann. Section 59-12-102	27825	AMD	07/01/2005	2005-9/56

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R865-19S-71	Transportation Charges in Connection With the Sale of Tangible Personal Property Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27831	AMD	07/01/2005	2005-9/58
R865-19S-78	Charges for Labor to Repair, Renovate and Install Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103	27870	AMD	07/20/2005	2005-11/65
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R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	27833	AMD	07/01/2005	2005-9/61
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	28049	AMD	09/01/2005	2005-14/65
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R865-19S-101	Application of Sales Tax to Fees Assessed in Conjunction with the Retail Sale of a Motor Vehicle Pursuant to Utah Code Ann. Section 59-12-103	27834	AMD	07/01/2005	2005-9/62
R865-19S-112	Confirmation of Purchase of Admission or User Fee Relating to the Olympic Winter Games of 2002 Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27867	AMD	07/20/2005	2005-11/67
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R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-418, 41-1a-419, 41-1a-420, and 41-1a-421	28046	AMD	09/01/2005	2005-14/68
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R986-700	Child Care Assistance	27830	AMD	07/01/2005	2005-9/67
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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	27648	R527-40	AMD	03/14/2005	2005-3/30
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	27842	R527-67	NSC	08/10/2005	Not Printed
	27938	R527-67	REP	08/10/2005	2005-12/67
	28244	R527-201	AMD	11/17/2005	2005-20/37
	27534	R527-210	REP	01/04/2005	2004-23/49
	27647	R527-255	AMD	03/14/2005	2005-3/30
	28089	R527-332	5YR	07/14/2005	2005-15/47
	27881	R527-394	5YR	05/12/2005	2005-11/98
	28090	R527-450	5YR	07/14/2005	2005-15/47
	27641	R527-475	5YR	01/06/2005	2005-3/59
child welfare					
Administrative Services, Child Welfare Parental Defense (Office of)	27518	R19-1	NEW	05/13/2005	2004-22/9
	27518	R19-1	CPR	05/13/2005	2005-2/94
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School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
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Public Safety, Driver License	28113	R708-10	NSC	08/01/2005	Not Printed
client rights					
Health, Health Care Financing, Coverage and Reimbursement Policy	27902	R414-301	AMD	07/02/2005	2005-11/16
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School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
	27604	R850-26	NEW	04/01/2005	2005-2/84
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Natural Resources, Oil, Gas and Mining; Coal	27778	R645-105	5YR	03/25/2005	2005-8/58

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Money Management Council, Administration	28332	R628-13	5YR	11/07/2005	2005-23/69
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Health, Epidemiology and Laboratory Services, Epidemiology	27496	R386-702	AMD	05/16/2005	2004-21/13
	27496	R386-702	CPR	05/16/2005	2005-3/53
	28152	R386-702	AMD	10/14/2005	2005-17/19
	27853	R386-702-9	AMD	08/25/2005	2005-10/17
compensation					
Capitol Preservation Board (State), Administration	27973	R131-5	CPR	11/15/2005	2005-20/57
	27973	R131-5	NEW	11/15/2005	2005-12/9
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Human Services, Mental Health, State Hospital	28096	R525-7	NSC	08/01/2005	Not Printed
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Environmental Quality, Drinking Water	27967	R309-205	AMD	09/13/2005	2005-12/37
	27917	R309-205	5YR	05/16/2005	2005-11/93
	27918	R309-210	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43
	27910	R309-215	5YR	05/16/2005	2005-11/94
compulsory education					
Education, Administration	28374	R277-616	5YR	11/23/2005	Not Printed
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Human Services, Mental Health, State Hospital	28096	R525-7	NSC	08/01/2005	Not Printed
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Commerce, Real Estate	28030	R162-106	AMD	09/29/2005	2005-13/23
	27788	R162-107	AMD	05/25/2005	2005-8/14
	28237	R162-107	AMD	11/23/2005	2005-19/5
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
confidentiality of information					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
Workforce Services, Workforce Information and Payment Services	28021	R994-312	NSC	08/01/2005	Not Printed
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Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
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Health, Epidemiology and Laboratory Services, Epidemiology	27934	R386-800	5YR	05/24/2005	2005-12/89

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	27863	R657-15	5YR	05/05/2005	2005-11/99
construction					
Administrative Services, Facilities Construction and Management	27610	R23-4	AMD	03/15/2005	2005-2/10
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
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Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
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Administrative Services, Facilities Construction and Management	27610	R23-4	AMD	03/15/2005	2005-2/10
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Environmental Quality, Drinking Water	27905	R309-225	5YR	05/16/2005	2005-11/95
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Human Services, Child and Family Services	27883	R512-75	5YR	05/12/2005	2005-11/98
consumer protection					
Commerce, Consumer Protection	28272	R152-1	5YR	10/04/2005	2005-21/80
	28179	R152-23	AMD	10/18/2005	2005-18/7
	28178	R152-30	REP	10/18/2005	2005-18/8
	28058	R152-39	NEW	08/16/2005	2005-14/6
contamination					
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
continuing education					
Commerce, Real Estate	28173	R162-9-1	AMD	10/24/2005	2005-18/17
	28059	R162-9-2	AMD	08/17/2005	2005-14/7
	28225	R162-9-3	AMD	11/16/2005	2005-19/3
continuing professional education					
Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
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Environmental Quality, Air Quality	28326	R307-170	5YR	11/03/2005	2005-23/67
	28123	R307-170	NSC	11/03/2005	Not Printed
contractors					
Commerce, Occupational and Professional Licensing	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	28164	R156-55a-503	AMD	10/18/2005	2005-18/14
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54

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	27610	R23-4	AMD	03/15/2005	2005-2/10
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
conveyance					
Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
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Natural Resources, Wildlife Resources	27551	R657-37	AMD	01/15/2005	2004-24/45
	28087	R657-37	AMD	09/06/2005	2005-15/15
corrections					
Corrections, Administration	28085	R251-303	5YR	07/13/2005	2005-15/43
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Health, Health Care Financing, Coverage and Reimbursement Policy	27588	R414-200	AMD	02/01/2005	2005-1/24
	27977	R414-200-3	AMD	10/01/2005	2005-13/28
cougar					
Natural Resources, Wildlife Resources	28188	R657-10	AMD	10/25/2005	2005-18/52
counselors					
Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
county jails					
Corrections, Administration	28086	R251-113	5YR	07/13/2005	2005-15/43
coverage					
Workforce Services, Workforce Information and Payment Services	28034	R994-310	NSC	08/01/2005	Not Printed
CPB					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
	27632	R131-9	NEW	03/03/2005	2005-2/26
credit insurance filings					
Insurance, Administration	27718	R590-228-3	AMD	04/28/2005	2005-6/23
cross connection control					
Environmental Quality, Drinking Water	27617	R309-305	NSC	02/01/2005	Not Printed
	27915	R309-305	5YR	05/16/2005	2005-11/96
	27780	R309-305	NSC	05/16/2005	Not Printed
curricula					
Education, Administration	28282	R277-444	5YR	10/12/2005	2005-21/81
	27932	R277-444	AMD	07/18/2005	2005-12/24
	28142	R277-475	5YR	08/15/2005	2005-17/55
	27874	R277-700-6	NSC	07/01/2005	Not Printed
	27710	R277-705-6	AMD	04/01/2005	2005-5/19
	27875	R277-713	NSC	07/01/2005	Not Printed

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Natural Resources, Wildlife Resources	28277	R657-24	5YR	10/07/2005	2005-21/83
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Public Safety, Fire Marshal	27574	R710-8	NSC	01/01/2005	Not Printed
decommissioning					
Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
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Health, Epidemiology and Laboratory Services, Environmental Services	27650	R392-600	NEW	05/02/2005	2005-3/19
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Natural Resources, Wildlife Resources	28367	R657-38	5YR	11/21/2005	Not Printed
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Administrative Services, Fleet Operations	27546	R27-1-2	AMD	01/10/2005	2004-23/3
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	28029	R307-101-2	AMD	09/08/2005	2005-13/24
	27755	R307-101-2	CPR	09/02/2005	2005-15/25
	27755	R307-101-2	AMD	09/02/2005	2005-7/2
Environmental Quality, Drinking Water	27911	R309-110	5YR	05/16/2005	2005-11/91
	27960	R309-110-3	AMD	09/13/2005	2005-12/33
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
Workforce Services, Workforce Information and Payment Services	28007	R994-201	NSC	08/01/2005	Not Printed
	27730	R994-201	NSC	04/01/2005	Not Printed
design					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
disabilities					
Human Services, Services for People with Disabilities	27801	R539-5	NEW	05/17/2005	2005-8/33
	27939	R539-5-5	NSC	06/01/2005	Not Printed
disability					
Human Services, Services for People with Disabilities	27568	R539-1	AMD	01/25/2005	2004-24/17
disabled persons					
Human Services, Services for People with Disabilities	27651	R539-2	REP	03/12/2005	2005-3/31
	27652	R539-3	REP	03/12/2005	2005-3/34
	27753	R539-4	REP	05/03/2005	2005-7/58
	27802	R539-5	REP	05/17/2005	2005-8/31
	28210	R539-6	REP	11/04/2005	2005-19/17
	28037	R539-7	EMR	06/20/2005	2005-14/94
	28036	R539-7	REP	09/16/2005	2005-14/20
	27795	R539-8	REP	05/17/2005	2005-8/35
Natural Resources, Wildlife Resources	27721	R657-12	AMD	04/15/2005	2005-6/24

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Environmental Quality, Water Quality	27657	R317-8-3	AMD	04/20/2005	2005-3/12
disciplinary actions					
Professional Practices Advisory Commission, Administration	27737	R686-103	NSC	04/01/2005	Not Printed
discipline of employees					
Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
discrimination					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28003	R606-3	5YR	06/08/2005	2005-13/54
	28004	R606-4	5YR	06/08/2005	2005-13/55
	28005	R606-5	5YR	06/08/2005	2005-13/55
	28002	R606-6	5YR	06/08/2005	2005-13/56
Labor Commission, Antidiscrimination and Labor, Fair Housing	28126	R608-1-8	EMR	08/02/2005	2005-17/52
	28127	R608-1-8	AMD	10/07/2005	2005-17/27
disease control					
Agriculture and Food, Animal Industry	27570	R58-1	AMD	01/18/2005	2004-24/5
	28287	R58-1	NSC	11/01/2005	Not Printed
	27687	R58-1-7	AMD	03/18/2005	2005-4/8
	27694	R58-21	5YR	02/03/2005	2005-5/29
disinfection monitoring					
Environmental Quality, Drinking Water	27969	R309-215	AMD	09/13/2005	2005-12/43
	27910	R309-215	5YR	05/16/2005	2005-11/94
dismissal of employees					
Human Resource Management, Administration	27888	R477-11-2	AMD	07/02/2005	2005-11/46
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Workforce Services, Employment Development	28236	R986-800	5YR	09/14/2005	2005-19/108
dispute					
Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
distribution system monitoring					
Environmental Quality, Drinking Water	27918	R309-210	5YR	05/16/2005	2005-11/94
diversion programs					
Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	28254	R156-1	AMD	11/15/2005	2005-20/3
drinking_water					
Environmental Quality, Drinking Water	28252	R309-105-16	NSC	11/01/2005	Not Printed
drinking water					
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	27911	R309-110	5YR	05/16/2005	2005-11/91
	27960	R309-110-3	AMD	09/13/2005	2005-12/33
	27908	R309-115	5YR	05/16/2005	2005-11/92
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27913	R309-200	5YR	05/16/2005	2005-11/93
	27961	R309-200	AMD	09/13/2005	2005-12/35
	27917	R309-205	5YR	05/16/2005	2005-11/93
	27967	R309-205	AMD	09/13/2005	2005-12/37
	27918	R309-210	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43
	27910	R309-215	5YR	05/16/2005	2005-11/94
	27962	R309-220	AMD	09/13/2005	2005-12/45
	27914	R309-220	5YR	05/16/2005	2005-11/95
	27905	R309-225	5YR	05/16/2005	2005-11/95
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27915	R309-305	5YR	05/16/2005	2005-11/96
	27780	R309-305	NSC	05/16/2005	Not Printed
	27617	R309-305	NSC	02/01/2005	Not Printed
	27781	R309-405	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
	27963	R309-505	AMD	09/13/2005	2005-12/47
	27965	R309-535	AMD	11/16/2005	2005-12/49
	27965	R309-535	CPR	11/16/2005	2005-20/59
	27775	R309-600	NSC	05/01/2005	Not Printed
	27816	R309-600	5YR	04/14/2005	2005-9/76
	27815	R309-605	5YR	04/14/2005	2005-9/76
driver education					
Education, Administration	27520	R277-746	NSC	01/01/2005	Not Printed
Public Safety, Driver License	28165	R708-18	AMD	10/27/2005	2005-18/60
driver license					
Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
driver training					
Public Safety, Driver License	27898	R708-37	5YR	05/13/2005	2005-11/101
driving simulators					
Public Safety, Driver License	27579	R708-40	NEW	04/18/2005	2005-1/31
	27579	R708-40	CPR	04/18/2005	2005-6/28
dual employment					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
dual enrollment					
Education, Administration	27800	R277-438	AMD	05/19/2005	2005-8/19

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dust					
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	28220	R307-309	5YR	09/07/2005	2005-19/102
	27765	R307-309	AMD	09/02/2005	2005-7/24
e-mail					
Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
education					
Commerce, Consumer Protection	28177	R152-34	AMD	10/18/2005	2005-18/10
Commerce, Real Estate	27950	R162-103-5	AMD	07/27/2005	2005-12/17
	28238	R162-103-7	AMD	11/23/2005	2005-19/4
Education, Administration	28064	R277-407	AMD	08/23/2005	2005-14/8
	27798	R277-407	AMD	05/19/2005	2005-8/15
	27702	R277-422	NSC	03/01/2005	Not Printed
	28142	R277-475	5YR	08/15/2005	2005-17/55
	27933	R277-480	REP	07/18/2005	2005-12/27
education finance					
Education, Administration	28064	R277-407	AMD	08/23/2005	2005-14/8
	27798	R277-407	AMD	05/19/2005	2005-8/15
	28065	R277-451	AMD	08/23/2005	2005-14/10
educational facilities					
Education, Administration	28065	R277-451	AMD	08/23/2005	2005-14/10
educational program evaluations					
Education, Administration	27722	R277-501	5YR	02/23/2005	2005-6/35
	28145	R277-515	REP	10/05/2005	2005-17/7
educational savings trust					
Regents (Board Of), Administration	28062	R765-685	REP	08/17/2005	2005-14/60
educational testing					
Education, Administration	27547	R277-473	AMD	01/04/2005	2004-23/43
	27872	R277-473	5YR	05/09/2005	2005-11/90
educational tuition					
Education, Administration	27798	R277-407	AMD	05/19/2005	2005-8/15
	28064	R277-407	AMD	08/23/2005	2005-14/8
	27887	R477-10	AMD	07/02/2005	2005-11/43
educator license renewal					
Education, Administration	27722	R277-501	5YR	02/23/2005	2005-6/35
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Education, Administration	28077	R277-520	5YR	07/06/2005	2005-15/45
	27737	R686-103	NSC	04/01/2005	Not Printed
effluent standards					
Environmental Quality, Water Quality	28054	R317-1	AMD	08/22/2005	2005-14/13
	27659	R317-1	AMD	04/20/2005	2005-3/5

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elderly					
Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
	28039	R510-401	5YR	06/22/2005	2005-14/98
electric assisted bicycle headgear					
Public Safety, Driver License	28109	R708-33	NSC	08/01/2005	Not Printed
electronic high school					
Education, Administration	27507	R277-725	NSC	01/01/2005	Not Printed
electronic preliminary lien filing					
Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
	28012	R156-38b-501	NSC	09/01/2005	Not Printed
elevators					
Labor Commission, Safety	27590	R616-3-3	AMD	02/01/2005	2005-1/30
eligibility					
Health, Health Care Financing, Coverage and Reimbursement Policy	28240	R414-307	REP	11/01/2005	2005-19/11
	28239	R414-308	R&R	11/01/2005	2005-19/12
	27901	R414-309	NEW	07/02/2005	2005-11/25
emergency medical services					
Health, Health Systems Improvement, Emergency Medical Services	28121	R426-5	AMD	09/21/2005	2005-16/15
	27519	R426-12	AMD	02/01/2005	2004-22/26
	27521	R426-13	AMD	02/01/2005	2004-23/47
	27584	R426-14-303	NSC	02/01/2005	Not Printed
	27522	R426-15	AMD	02/01/2005	2004-23/48
	28038	R426-15-200	AMD	11/01/2005	2005-14/19
emergency preparedness					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
emission testing					
Environmental Quality, Air Quality	27756	R307-165	CPR	09/02/2005	2005-15/31
	28215	R307-165	5YR	09/07/2005	2005-19/94
	27756	R307-165	AMD	09/02/2005	2005-7/8
employee benefit plans					
Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
employee performance evaluations					
Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
employee productivity					
Human Resource Management, Administration	27887	R477-10	AMD	07/02/2005	2005-11/43
employee recruitment*					
Workforce Services, Workforce Information and Payment Services	28023	R994-402	NSC	08/01/2005	Not Printed

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employee termination					
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Workforce Services, Workforce Information and Payment Services	28033	R994-405	NSC	08/01/2005	Not Printed
employee's rights					
Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Workforce Services, Workforce Information and Payment Services	28033	R994-405	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27927	R994-405	AMD	09/29/2005	2005-11/77
employer liability					
Workforce Services, Workforce Information and Payment Services	28016	R994-302	NSC	08/01/2005	Not Printed
employment					
Human Resource Management, Administration	27886	R477-4-7	AMD	07/02/2005	2005-11/31
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28004	R606-4	5YR	06/08/2005	2005-13/55
	28005	R606-5	5YR	06/08/2005	2005-13/55
Workforce Services, Workforce Information and Payment Services	28008	R994-202	NSC	08/01/2005	Not Printed
	28033	R994-405	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27927	R994-405	AMD	09/29/2005	2005-11/77
employment agencies					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28005	R606-5	5YR	06/08/2005	2005-13/55
employment support procedures					
Workforce Services, Employment Development	28227	R986-100	5YR	09/13/2005	2005-19/105
	27661	R986-100	AMD	04/07/2005	2005-4/24
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Workforce Services, Workforce Information and Payment Services	27789	R994-204	5YR	04/01/2005	2005-8/59
	28009	R994-204	NSC	08/01/2005	Not Printed
	27791	R994-205	5YR	04/01/2005	2005-8/59
	28014	R994-205	NSC	08/01/2005	Not Printed
	28010	R994-206	NSC	08/01/2005	Not Printed
	27796	R994-206	5YR	04/01/2005	2005-8/60
endangered species					
Natural Resources, Forestry, Fire and State Lands	27843	R652-120	5YR	04/28/2005	2005-10/53
energy assistance					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
	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
enforcement					
Agriculture and Food, Animal Industry	28200	R58-15	5YR	09/02/2005	2005-19/38

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Administrative Services, Facilities Construction and Management	27605	R23-2	AMD	03/15/2005	2005-2/7
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
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Education, Administration	27799	R277-437	AMD	05/19/2005	2005-8/17
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Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
enterprise zones					
Tax Commission, Auditing	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
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Environmental Quality, Drinking Water	27775	R309-600	NSC	05/01/2005	Not Printed
	27816	R309-600	5YR	04/14/2005	2005-9/76
	27815	R309-605	5YR	04/14/2005	2005-9/76
environmental health scientist					
Commerce, Occupational and Professional Licensing	28276	R156-20a	5YR	10/06/2005	2005-21/80
environmental protection					
Environmental Quality, Air Quality	28078	R307-115	5YR	07/07/2005	2005-15/45
Environmental Quality, Drinking Water	27964	R309-100	AMD	09/13/2005	2005-12/29
	27912	R309-100	5YR	05/16/2005	2005-11/90
	27909	R309-150	5YR	05/16/2005	2005-11/92
	27906	R309-300	5YR	05/16/2005	2005-11/96
	27781	R309-405	NSC	05/16/2005	Not Printed
	27916	R309-405	5YR	05/16/2005	2005-11/97
equal access					
Public Service Commission, Administration	27859	R746-356	AMD	08/08/2005	2005-10/40
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Public Service Commission, Administration	27857	R746-349	AMD	08/08/2005	2005-10/34
	28129	R746-349-9	AMD	10/11/2005	2005-17/35
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Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
	27745	R313-19	AMD	05/13/2005	2005-7/34
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Agriculture and Food, Marketing and Conservation	28160	R65-8	NSC	09/01/2005	Not Printed
extended benefits*					
Workforce Services, Workforce Information and Payment Services	28023	R994-402	NSC	08/01/2005	Not Printed
extinguishers					
Public Safety, Fire Marshal	28122	R710-1-8	AMD	09/15/2005	2005-16/34

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facilities use					
Capitol Preservation Board (State), Administration	27712	R131-2	5YR	02/16/2005	2005-6/33
facility					
Human Services, Mental Health, State Hospital	27994	R525-8	NSC	08/01/2005	Not Printed
fair employment practices					
Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
	27886	R477-4-7	AMD	07/02/2005	2005-11/31
fair housing					
Labor Commission, Antidiscrimination and Labor, Fair Housing	28127	R608-1-8	AMD	10/07/2005	2005-17/27
	28126	R608-1-8	EMR	08/02/2005	2005-17/52
family employment program					
Workforce Services, Employment Development	28134	R986-200	AMD	10/05/2005	2005-17/49
	27957	R986-200	AMD	08/01/2005	2005-12/84
	28202	R986-200	EMR	09/02/2005	2005-19/33
	28229	R986-200	5YR	09/14/2005	2005-19/105
	27824	R986-200-214	AMD	06/01/2005	2005-9/65
feed contamination					
Agriculture and Food, Plant Industry	28208	R68-2	5YR	09/06/2005	2005-19/41
fees					
Labor Commission, Industrial Accidents	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
Public Safety, Driver License	28165	R708-18	AMD	10/27/2005	2005-18/60
fertilizers					
Agriculture and Food, Plant Industry	27645	R68-3	5YR	01/07/2005	2005-3/58
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Labor Commission, Industrial Accidents	27892	R612-1-3	AMD	07/02/2005	2005-11/49
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
	28035	R994-403	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27937	R994-403-123	AMD	09/29/2005	2005-12/86
finance					
Education, Administration	27702	R277-422	NSC	03/01/2005	Not Printed
financial aid					
Regents (Board Of), Administration	28084	R765-605-4	AMD	09/01/2005	2005-15/21

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Money Management Council, Administration	28281	R628-11	5YR	10/12/2005	2005-21/82
	27689	R628-11	AMD	03/22/2005	2005-4/18
	28314	R628-12	5YR	11/01/2005	2005-22/50
	28332	R628-13	5YR	11/07/2005	2005-23/69
fines					
Natural Resources, Water Rights	28032	R655-14	NEW	08/15/2005	2005-13/34
fire					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
fire prevention					
Public Safety, Fire Marshal	28122	R710-1-8	AMD	09/15/2005	2005-16/34
	27653	R710-4-3	AMD	03/04/2005	2005-3/44
	27976	R710-4-3	AMD	07/19/2005	2005-12/67
	27671	R710-7-1	AMD	06/13/2005	2005-4/21
	27574	R710-8	NSC	01/01/2005	Not Printed
	28115	R710-9-6	AMD	09/15/2005	2005-16/36
	27754	R710-9-6	AMD	05/04/2005	2005-7/68
	27655	R710-9-6	AMD	03/04/2005	2005-3/47
	27975	R710-9-6	AMD	07/19/2005	2005-12/69
fireplace					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
fireplaces					
Environmental Quality, Air Quality	28214	R307-201	5YR	09/07/2005	2005-19/95
	27760	R307-207	NEW	09/02/2005	2005-7/16
	27761	R307-302	AMD	09/02/2005	2005-7/17
	27761	R307-302	CPR	09/02/2005	2005-15/34
	28219	R307-302	5YR	09/07/2005	2005-19/98
fish					
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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Natural Resources, Wildlife Resources	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
fleet expansion					
Administrative Services, Fleet Operations	27543	R27-4	AMD	01/10/2005	2004-23/5

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food inspection					
Agriculture and Food, Animal Industry	27693	R58-10	5YR	02/03/2005	2005-5/28
	28197	R58-11	5YR	09/02/2005	2005-19/36
	28198	R58-12	5YR	09/02/2005	2005-19/37
	28199	R58-13	5YR	09/02/2005	2005-19/37
	28201	R58-16	5YR	09/02/2005	2005-19/38
Agriculture and Food, Regulatory Services	27514	R70-440	NSC	01/01/2005	Not Printed
	27628	R70-440-2	AMD	02/15/2005	2005-2/23
	27667	R70-440-2	NSC	03/01/2005	Not Printed
	27569	R70-540-14	AMD	03/18/2005	2004-24/7
	28194	R70-610	5YR	09/02/2005	2005-19/44
	28195	R70-620	5YR	09/02/2005	2005-19/44
food stamps					
Workforce Services, Employment Development	28235	R986-900	5YR	09/14/2005	2005-19/108
forensic					
Human Services, Mental Health, State Hospital	27994	R525-8	NSC	08/01/2005	Not Printed
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Human Services, Child and Family Services	27982	R512-306	AMD	08/03/2005	2005-13/31
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Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
fuel dispensing					
Administrative Services, Fleet Operations	27544	R27-6	AMD	01/10/2005	2004-23/7
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Environmental Quality, Air Quality	28042	R307-205	NSC	09/07/2005	Not Printed
	27764	R307-205	AMD	07/07/2005	2005-7/12
	28223	R307-205	5YR	09/07/2005	2005-19/96
furbearers					
Natural Resources, Wildlife Resources	28168	R657-11	5YR	08/24/2005	2005-18/73
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Natural Resources, Wildlife Resources	27865	R657-5	AMD	07/05/2005	2005-11/61
	27550	R657-5	AMD	01/15/2005	2004-24/38
	28364	R657-5	5YR	11/21/2005	Not Printed
	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7
	28188	R657-10	AMD	10/25/2005	2005-18/52
	28189	R657-11	AMD	10/25/2005	2005-18/58
	28168	R657-11	5YR	08/24/2005	2005-18/73
	28363	R657-17	5YR	11/21/2005	Not Printed

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Workforce Services, Employment Development	28231	R986-400	5YR	09/14/2005	2005-19/106
general conformity					
Environmental Quality, Air Quality	28078	R307-115	5YR	07/07/2005	2005-15/45
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School and Institutional Trust Lands, Administration	27601	R850-27	NEW	04/01/2005	2005-2/86
gifted children					
Education, Administration	28375	R277-711	5YR	11/23/2005	Not Printed
government corporations					
Workforce Services, Workforce Information and Payment Services	27984	R994-311	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27922	R994-311	AMD	09/29/2005	2005-11/73
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Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
government hearings					
Administrative Services, Administrative Rules	28261	R15-1	5YR	09/29/2005	2005-20/63
Commerce, Administration	27636	R151-46b	AMD	02/15/2005	2005-2/32
	27888	R477-11-2	AMD	07/02/2005	2005-11/46
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School and Institutional Trust Lands, Administration	28186	R850-11	AMD	10/18/2005	2005-18/63
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Health, Health Systems Improvement, Primary Care and Rural Health	28182	R434-50	NEW	10/31/2005	2005-18/18
gravel					
School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
grievance procedures					
Human Services, Child and Family Services	27883	R512-75	5YR	05/12/2005	2005-11/98
	27981	R512-75	AMD	08/03/2005	2005-13/29

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halfway houses					
Corrections, Administration	28085	R251-303	5YR	07/13/2005	2005-15/43
hazardous air pollutant					
Environmental Quality, Air Quality	28130	R307-214-2	AMD	11/03/2005	2005-17/13
Hazardous materials transportation					
Transportation, Motor Carrier	28243	R909-75	AMD	11/04/2005	2005-19/28
hazardous substances					
Transportation, Motor Carrier	28243	R909-75	AMD	11/04/2005	2005-19/28
hazardous waste					
Environmental Quality, Solid and Hazardous Waste	28095	R315-16	5YR	07/19/2005	2005-16/53
	28094	R315-102	5YR	07/19/2005	2005-16/53
Transportation, Motor Carrier	28243	R909-75	AMD	11/04/2005	2005-19/28
health care					
Health, Community and Family Health Services, Children with Special Health Care Needs	28074	R398-1	AMD	10/25/2005	2005-15/4
	28074	R398-1	CPR	10/25/2005	2005-18/70
health effects					
Environmental Quality, Drinking Water	27962	R309-220	AMD	09/13/2005	2005-12/45
	27914	R309-220	5YR	05/16/2005	2005-11/95
health facilities					
Health, Health Systems Improvement, Licensing	27674	R432-7	5YR	01/28/2005	2005-4/47
	27675	R432-8	5YR	01/28/2005	2005-4/48
	27676	R432-9	5YR	01/28/2005	2005-4/48
	27677	R432-10	5YR	01/28/2005	2005-4/49
	27678	R432-11	5YR	01/28/2005	2005-4/49
	27679	R432-12	5YR	01/28/2005	2005-4/50
	27680	R432-13	5YR	01/28/2005	2005-4/50
	27681	R432-14	5YR	01/28/2005	2005-4/51
	27682	R432-30	5YR	01/28/2005	2005-4/51
	27884	R432-150	AMD	08/05/2005	2005-11/26
	27683	R432-270	5YR	01/31/2005	2005-4/52
	27692	R432-270-10	AMD	05/10/2005	2005-5/24
health insurance					
Human Services, Recovery Services	27640	R527-10	5YR	01/06/2005	2005-3/58
	28244	R527-201	AMD	11/17/2005	2005-20/37
Insurance, Administration	27866	R590-172	5YR	05/05/2005	2005-11/98
	27845	R590-172-4	CPR	09/30/2005	2005-16/51
	27845	R590-172-4	AMD	09/30/2005	2005-10/28

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health spas					
Commerce, Consumer Protection	28179	R152-23	AMD	10/18/2005	2005-18/7
hearing impaired					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
hearings					
Environmental Quality, Air Quality	28221	R307-103	5YR	09/07/2005	2005-19/45
Environmental Quality, Drinking Water	27908	R309-115	5YR	05/16/2005	2005-11/92
Labor Commission, Adjudication	28259	R602-2-3	AMD	11/15/2005	2005-20/42
Professional Practices Advisory Commission, Administration	27542	R686-100	NSC	01/01/2005	Not Printed
HEAT					
Community and Economic Development, Community Development, Community Services	27418	R202-202-202	AMD	01/12/2005	2004-19/24
high quality ground water					
Environmental Quality, Drinking Water	27963	R309-505	AMD	09/13/2005	2005-12/47
higher education					
Education, Administration	27662	R277-713	AMD	03/21/2005	2005-4/14
	27875	R277-713	NSC	07/01/2005	Not Printed
	28228	R628-2	AMD	11/01/2005	2005-19/25
	27663	R765-604	5YR	01/19/2005	2005-4/56
	27666	R765-604	AMD	03/22/2005	2005-4/22
	28084	R765-605-4	AMD	09/01/2005	2005-15/21
	28251	R765-610	NSC	11/01/2005	Not Printed
	27841	R765-626	5YR	04/26/2005	2005-10/53
	28062	R765-685	REP	08/17/2005	2005-14/60
highways					
Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
Transportation, Program Development	28024	R926-7	NEW	09/15/2005	2005-13/42
hiring practices					
Human Resource Management, Administration	27886	R477-4-7	AMD	07/02/2005	2005-11/31
historic preservation					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
holidays					
Human Resource Management, Administration	27896	R477-7	AMD	07/02/2005	2005-11/36
home-delivered meals					
Human Services, Aging and Adult Services	28040	R510-104	5YR	06/22/2005	2005-14/98
horses					
Agriculture and Food, Marketing and Conservation	28159	R65-7	NSC	09/01/2005	Not Printed

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housing					
Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
Labor Commission, Antidiscrimination and Labor, Fair Housing	28127	R608-1-8	AMD	10/07/2005	2005-17/27
	28126	R608-1-8	EMR	08/02/2005	2005-17/52
human services					
Human Services, Administration, Administrative Services, Licensing	28167	R501-1	AMD	10/18/2005	2005-18/25
	28185	R501-4	NEW	10/18/2005	2005-18/30
	28268	R501-14	REP	11/16/2005	2005-20/30
	28132	R501-15	NEW	10/05/2005	2005-17/22
	27673	R501-18	5YR	01/27/2005	2005-4/52
	28270	R501-18	REP	11/16/2005	2005-20/34
	27839	R501-19	5YR	04/25/2005	2005-10/51
	27836	R501-20	5YR	04/21/2005	2005-10/51
	27837	R501-21	5YR	04/22/2005	2005-10/52
	27838	R501-22	5YR	04/22/2005	2005-10/52
Human Services, Services for People with Disabilities	27568	R539-1	AMD	01/25/2005	2004-24/17
hunting					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
hunting and fishing licenses					
Natural Resources, Wildlife Resources	28363	R657-17	5YR	11/21/2005	Not Printed
ignition interlock systems					
Public Safety, Driver License	28103	R708-31	NSC	08/01/2005	Not Printed
illegal drug laboratories					
Health, Epidemiology and Laboratory Services, Environmental Services	27650	R392-600	NEW	05/02/2005	2005-3/19
immunization					
Health, Community and Family Health Services, Immunization	27897	R396-100	AMD	07/21/2005	2005-11/6
immunization data reporting					
Health, Epidemiology and Laboratory Services, Epidemiology	27934	R386-800	5YR	05/24/2005	2005-12/89
implements of husbandry					
Transportation, Motor Carrier	28242	R909-1	AMD	11/04/2005	2005-19/27
imputation					
Public Service Commission, Administration	27857	R746-349	AMD	08/08/2005	2005-10/34
	28129	R746-349-9	AMD	10/11/2005	2005-17/35
income					
Health, Health Care Financing, Coverage and Reimbursement Policy	27923	R414-304	AMD	07/02/2005	2005-11/18

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	27419	R202-203-328	AMD	01/12/2005	2004-19/26
income tax					
Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
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Workforce Services, Workforce Information and Payment Services	27789	R994-204	5YR	04/01/2005	2005-8/59
	28009	R994-204	NSC	08/01/2005	Not Printed
independent living					
Human Services, Child and Family Services	27982	R512-306	AMD	08/03/2005	2005-13/31
industrial waste					
Environmental Quality, Water Quality	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
inspections					
Agriculture and Food, Animal Industry	27695	R58-22	5YR	02/03/2005	2005-5/29
Agriculture and Food, Plant Industry	27773	R68-8-2	NSC	05/01/2005	Not Printed
	27697	R68-20	5YR	02/04/2005	2005-5/30
Agriculture and Food, Regulatory Services	28328	R70-910	5YR	11/03/2005	2005-23/65
	28329	R70-950	5YR	11/03/2005	2005-23/65
	27523	R70-960-7	NSC	01/01/2005	Not Printed
Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
	27991	R313-16	AMD	08/12/2005	2005-13/26
insurance					
Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
	27715	R590-102-13	NSC	04/01/2005	Not Printed
	27785	R590-140	5YR	03/31/2005	2005-8/56
	27810	R590-146	CPR	08/25/2005	2005-14/76
	27810	R590-146	AMD	08/25/2005	2005-9/19
	28172	R590-146-24	NSC	09/01/2005	Not Printed
	27556	R590-147	R&R	02/10/2005	2004-24/21
	27719	R590-148-12	AMD	04/28/2005	2005-6/19
	28098	R590-148-21	AMD	09/30/2005	2005-16/24
	27554	R590-163	REP	02/10/2005	2004-24/23
	28027	R590-171	5YR	06/14/2005	2005-13/53
	28334	R590-175	5YR	11/08/2005	2005-23/68
	27558	R590-196	AMD	02/10/2005	2004-24/25
	27644	R590-196	5YR	01/07/2005	2005-3/60
	27504	R590-203	AMD	07/22/2005	2004-22/47
	27504	R590-203	CPR	07/22/2005	2005-11/87
	27504	R590-203	CPR	07/22/2005	2005-2/95

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	27776	R590-212	NSC	05/01/2005	Not Printed
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
insurance companies					
Insurance, Administration	28135	R590-124	NSC	09/01/2005	Not Printed
	27685	R590-128	5YR	01/31/2005	2005-4/53
	28099	R590-145	REP	09/30/2005	2005-16/21
insurance fee					
Insurance, Administration	28136	R590-157-3	NSC	09/01/2005	Not Printed
insurance law					
Insurance, Administration	27684	R590-88	5YR	01/31/2005	2005-4/53
	27723	R590-99-4	NSC	04/01/2005	Not Printed
	28260	R590-130	5YR	09/29/2005	2005-20/66
	27686	R590-132	5YR	01/31/2005	2005-4/54
	27784	R590-164	5YR	03/31/2005	2005-8/57
	27555	R590-174	REP	02/10/2005	2004-24/24
	28110	R590-202	REP	09/30/2005	2005-16/28
	28120	R590-202	5YR	08/01/2005	2005-16/54
Internet access					
Community and Economic Development, Community Development, Library	28333	R223-2	5YR	11/07/2005	2005-23/66
interpreters					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
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Workforce Services, Workforce Information and Payment Services	28001	R994-106	NSC	08/01/2005	Not Printed
intoxilyzer					
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
investigators					
Commerce, Administration	27633	R151-1	NEW	02/15/2005	2005-2/29
investment advisers					
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
	27742	R628-19	R&R	05/05/2005	2005-7/64
iron and manganese control					
Environmental Quality, Drinking Water	27965	R309-535	AMD	11/16/2005	2005-12/49
	27965	R309-535	CPR	11/16/2005	2005-20/59
irradiator					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
IT bid committee					
Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45

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judicial conduct commission					
Judicial Conduct Commission, Administration	27330	R595-1	CPR	02/01/2005	2004-24/59
	27330	R595-1	NEW	02/01/2005	2004-17/18
	27580	R595-1	REP	02/01/2005	2005-1/26
	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
	27668	R595-3-10	NSC	02/01/2005	Not Printed
	27333	R595-4	NEW	02/01/2005	2004-17/26
	27333	R595-4	CPR	02/01/2005	2004-24/64
	27807	R595-4-2	AMD	06/02/2005	2005-9/37
jurisdiction					
Workforce Services, Workforce Information and Payment Services	27979	R994-406	NSC	08/01/2005	Not Printed
laboratories					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	27850	R444-14	AMD	07/01/2005	2005-10/26
land manager					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
law					
Public Safety, Fire Marshal	27754	R710-9-6	AMD	05/04/2005	2005-7/68
	28115	R710-9-6	AMD	09/15/2005	2005-16/36
	27975	R710-9-6	AMD	07/19/2005	2005-12/69
	27655	R710-9-6	AMD	03/04/2005	2005-3/47
lead-based paint					
Environmental Quality, Air Quality	28131	R307-840	AMD	11/03/2005	2005-17/17
lease operations					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
lease provisions					
School and Institutional Trust Lands, Administration	27813	R850-21	AMD	06/01/2005	2005-9/46
	27612	R850-21	NEW	04/01/2005	2005-2/58
	27613	R850-22	NEW	04/01/2005	2005-2/65
	27606	R850-25	NEW	04/01/2005	2005-2/81
	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
leave benefits					
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license					
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Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28052	R722-310	5YR	06/29/2005	2005-14/100
	28053	R722-330	5YR	06/29/2005	2005-14/100
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Tax Commission, Motor Vehicle	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28184	R873-22M-34	AMD	10/31/2005	2005-18/67
	28273	R873-22M-34	NSC	10/31/2005	Not Printed
licensing					
Commerce, Occupational and Professional Licensing	27499	R156-1	NSC	01/01/2005	Not Printed
	28254	R156-1	AMD	11/15/2005	2005-20/3
	27993	R156-16a-302b	AMD	08/02/2005	2005-13/6
	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	NEW	05/17/2005	2004-23/20
	27529	R156-17b	CPR	05/17/2005	2005-8/43
	28276	R156-20a	5YR	10/06/2005	2005-21/80
	27835	R156-26a	AMD	06/21/2005	2005-10/12
	27600	R156-31b	AMD	02/17/2005	2005-2/36
	27992	R156-31b	AMD	08/02/2005	2005-13/6
	27714	R156-31b	NSC	04/01/2005	Not Printed
	28124	R156-31c-201	AMD	09/19/2005	2005-16/12
	27752	R156-38	5YR	03/15/2005	2005-7/75
	27987	R156-38	AMD	08/02/2005	2005-13/13
	28176	R156-41-502	AMD	10/18/2005	2005-18/13
	27548	R156-47b	AMD	03/07/2005	2004-24/7
	27548	R156-47b	CPR	03/07/2005	2005-3/51
	27435	R156-50	AMD	01/18/2005	2004-20/12
	27435	R156-50	CPR	01/18/2005	2004-24/58
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	28164	R156-55a-503	AMD	10/18/2005	2005-18/14
	28048	R156-55d	5YR	06/28/2005	2005-14/97
	28166	R156-55d-503	AMD	10/18/2005	2005-18/16
	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
	27749	R156-60c	5YR	03/14/2005	2005-7/75

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	28193	R156-63	5YR	09/01/2005	2005-18/72
	27533	R156-71-202	AMD	01/04/2005	2004-23/41
Commerce, Real Estate	27797	R162-102-1	AMD	05/25/2005	2005-8/12
Human Services, Administration, Administrative Services, Licensing	28167	R501-1	AMD	10/18/2005	2005-18/25
	28185	R501-4	NEW	10/18/2005	2005-18/30
	28268	R501-14	REP	11/16/2005	2005-20/30
	28191	R501-14	NEW	11/16/2005	2005-18/33
	27673	R501-18	5YR	01/27/2005	2005-4/52
	28270	R501-18	REP	11/16/2005	2005-20/34
	27839	R501-19	5YR	04/25/2005	2005-10/51
	27836	R501-20	5YR	04/21/2005	2005-10/51
	27837	R501-21	5YR	04/22/2005	2005-10/52
	27838	R501-22	5YR	04/22/2005	2005-10/52
Natural Resources, Water Rights	27392	R655-4	AMD	01/12/2005	2004-18/30
	27691	R655-4	5YR	02/01/2005	2005-4/55
	27475	R655-4	NSC	02/01/2005	Not Printed
	28051	R655-4-9	NSC	09/01/2005	Not Printed
Public Safety, Driver License	28113	R708-10	NSC	08/01/2005	Not Printed
	28165	R708-18	AMD	10/27/2005	2005-18/60
liens					
Commerce, Occupational and Professional Licensing	27987	R156-38	AMD	08/02/2005	2005-13/13
	27752	R156-38	5YR	03/15/2005	2005-7/75
life insurance					
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	27829	R590-93	R&R	06/08/2005	2005-9/12
life insurance filing					
Insurance, Administration	27716	R590-226-3	AMD	04/28/2005	2005-6/21
lifeline rates					
Public Service Commission, Administration	28306	R746-341	5YR	10/28/2005	2005-22/51
	28137	R746-341	AMD	10/20/2005	2005-17/28
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Public Safety, Fire Marshal	27573	R710-6	AMD	01/19/2005	2004-24/54
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Agriculture and Food, Animal Industry	27688	R58-7	5YR	02/01/2005	2005-4/47
Agriculture and Food, Marketing and Conservation	28160	R65-8	NSC	09/01/2005	Not Printed
Natural Resources, Wildlife Resources	28277	R657-24	5YR	10/07/2005	2005-21/83
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Agriculture and Food, Marketing and Conservation	27787	R65-10	5YR	03/31/2005	2005-8/56
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Environmental Quality, Drinking Water	27963	R309-505	AMD	09/13/2005	2005-12/47
MACT					
Environmental Quality, Air Quality	28130	R307-214-2	AMD	11/03/2005	2005-17/13
maintenance					
Capitol Preservation Board (State), Administration	27631	R131-8	NEW	03/03/2005	2005-2/24
massage therapy					
Commerce, Occupational and Professional Licensing	27548	R156-47b	AMD	03/07/2005	2004-24/7
	27548	R156-47b	CPR	03/07/2005	2005-3/51
material permits					
School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
	27814	R850-24-200	AMD	06/01/2005	2005-9/49
materials handling					
School and Institutional Trust Lands, Administration	27602	R850-130	REP	04/01/2005	2005-2/89
Medicaid					
Health, Health Care Financing, Coverage and Reimbursement Policy	27805	R414-1	AMD	06/03/2005	2005-9/6
	28106	R414-1	AMD	09/26/2005	2005-16/13
	27582	R414-1B	NSC	02/01/2005	Not Printed
	27806	R414-7A	AMD	06/03/2005	2005-9/10
	27505	R414-7D	NEW	01/03/2005	2004-22/15
	27486	R414-10A-6	NSC	01/01/2005	Not Printed
	27733	R414-14	AMD	04/26/2005	2005-6/12
	27925	R414-14A	R&R	07/02/2005	2005-11/9
	27985	R414-19A	5YR	06/03/2005	2005-13/51
	27854	R414-31	AMD	06/15/2005	2005-10/19
	27986	R414-33	5YR	06/03/2005	2005-13/52
	27956	R414-33A	REP	07/20/2005	2005-12/62
	27703	R414-33C	NEW	04/07/2005	2005-5/23
	27958	R414-33D	NEW	07/20/2005	2005-12/64
	27589	R414-34-6	AMD	02/01/2005	2005-1/21
	27591	R414-36-6	AMD	02/01/2005	2005-1/22
	28370	R414-40	5YR	11/22/2005	Not Printed
	27840	R414-49	AMD	07/01/2005	2005-10/21
	27849	R414-53	AMD	07/01/2005	2005-10/22
	28369	R414-59	5YR	11/22/2005	Not Printed
	27741	R414-61	5YR	03/11/2005	2005-7/77
	27586	R414-61-2	AMD	02/01/2005	2005-1/23
	28336	R414-63	5YR	11/08/2005	2005-23/67

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	27557	R414-90	AMD	01/19/2005	2004-24/15
	27588	R414-200	AMD	02/01/2005	2005-1/24
	27977	R414-200-3	AMD	10/01/2005	2005-13/28
	27902	R414-301	AMD	07/02/2005	2005-11/16
	27879	R414-305-2	AMD	07/02/2005	2005-11/23
	28240	R414-307	REP	11/01/2005	2005-19/11
	28239	R414-308	R&R	11/01/2005	2005-19/12
	27901	R414-309	NEW	07/02/2005	2005-11/25
	27852	R414-401-3	AMD	07/01/2005	2005-10/24
	28066	R414-504	AMD	08/16/2005	2005-14/18
	27851	R414-504	AMD	07/01/2005	2005-10/24
	27629	R414-507	NEW	02/15/2005	2005-2/42
	27935	R414-507	AMD	07/20/2005	2005-12/66
Human Services, Recovery Services	28244	R527-201	AMD	11/17/2005	2005-20/37
medical examiner					
Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
	27989	R448-20	5YR	06/06/2005	2005-13/53
medical practitioner					
Labor Commission, Industrial Accidents	27894	R612-2-1	AMD	07/02/2005	2005-11/51
	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
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	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
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Human Services, Mental Health, State Hospital	28097	R525-1	NSC	08/01/2005	Not Printed
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Human Services, Mental Health, State Hospital	27997	R525-3	NSC	08/01/2005	Not Printed
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Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
Human Services, Substance Abuse and Mental Health	27638	R523-1	AMD	03/07/2005	2005-3/28
Human Services, Mental Health, State Hospital	27994	R525-8	NSC	08/01/2005	Not Printed
mental retardation					
Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
meth lab certification revocation					
Environmental Quality, Environmental Response and Remediation	27783	R311-501	NEW	10/14/2005	2005-8/25
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	27782	R311-500	CPR	10/14/2005	2005-16/49
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Natural Resources, Wildlife Resources	28187	R657-9	AMD	10/25/2005	2005-18/49
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School and Institutional Trust Lands, Administration	27606	R850-25	NEW	04/01/2005	2005-2/81
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School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
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School and Institutional Trust Lands, Administration	27607	R850-24	NEW	04/01/2005	2005-2/76
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Tax Commission, Auditing	27739	R865-16R	5YR	03/08/2005	2005-7/77
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Environmental Quality, Air Quality	28042	R307-205	NSC	09/07/2005	Not Printed
	27764	R307-205	AMD	07/07/2005	2005-7/12
	28223	R307-205	5YR	09/07/2005	2005-19/96
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Commerce, Consumer Protection	28058	R152-39	NEW	08/16/2005	2005-14/6
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Environmental Quality, Drinking Water	27965	R309-535	AMD	11/16/2005	2005-12/49
	27965	R309-535	CPR	11/16/2005	2005-20/59
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Transportation, Motor Carrier, Ports of Entry	28147	R912-2	NEW	10/13/2005	2005-17/45
monitoring					
Environmental Quality, Air Quality	28123	R307-170	NSC	11/03/2005	Not Printed
	28326	R307-170	5YR	11/03/2005	2005-23/67
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Transportation, Motor Carrier, Ports of Entry	27790	R912-6	NEW	06/27/2005	2005-8/39
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Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
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Environmental Quality, Air Quality	28079	R307-320	5YR	07/07/2005	2005-15/46
	27701	R307-320	NSC	07/07/2005	Not Printed
Tax Commission, Motor Vehicle	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
	28184	R873-22M-34	AMD	10/31/2005	2005-18/67
	28273	R873-22M-34	NSC	10/31/2005	Not Printed

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Commerce, Occupational and Professional Licensing	27533	R156-71-202	AMD	01/04/2005	2004-23/41
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Commerce, Occupational and Professional Licensing	27533	R156-71-202	AMD	01/04/2005	2004-23/41
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Workforce Services, Workforce Information and Payment Services	28022	R994-315	NSC	08/01/2005	Not Printed
new source review					
Environmental Quality, Air Quality	27665	R307-210	AMD	04/19/2005	2005-4/17
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Health, Community and Family Health Services, Children with Special Health Care Needs	28074	R398-1	CPR	10/25/2005	2005-18/70
	28074	R398-1	AMD	10/25/2005	2005-15/4
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Health, Medical Examiner	27989	R448-20	5YR	06/06/2005	2005-13/53
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Health, Health Care Financing, Coverage and Reimbursement Policy	27588	R414-200	AMD	02/01/2005	2005-1/24
	27977	R414-200-3	AMD	10/01/2005	2005-13/28
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Workforce Services, Workforce Information and Payment Services	27968	R994-309	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27921	R994-309-105	AMD	09/29/2005	2005-11/72
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Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
notice of commencement					
Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
	28012	R156-38b-501	NSC	09/01/2005	Not Printed
notice of completion					
Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
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nuclear medicine					
Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
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Agriculture and Food, Plant Industry	28209	R68-6	5YR	09/06/2005	2005-19/42
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Commerce, Occupational and Professional Licensing	27714	R156-31b	NSC	04/01/2005	Not Printed
	27600	R156-31b	AMD	02/17/2005	2005-2/36

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	28254	R156-1	AMD	11/15/2005	2005-20/3
	27942	R156-55a	AMD	07/18/2005	2005-12/13
	28164	R156-55a-503	AMD	10/18/2005	2005-18/14
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	28068	R649-2	NSC	08/01/2005	Not Printed
	28073	R649-3	NSC	08/01/2005	Not Printed
	28335	R649-4	5YR	11/08/2005	2005-23/70
	28069	R649-5	NSC	08/01/2005	Not Printed
	28070	R649-6	NSC	08/01/2005	Not Printed
	28072	R649-9	NSC	08/01/2005	Not Printed
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	27612	R850-21	NEW	04/01/2005	2005-2/58
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School and Institutional Trust Lands, Administration	27612	R850-21	NEW	04/01/2005	2005-2/58
	27813	R850-21	AMD	06/01/2005	2005-9/46
operator certification					
Environmental Quality, Water Quality	27656	R317-10-6	AMD	04/20/2005	2005-3/18
Public Safety, Highway Patrol	27882	R714-500	5YR	05/12/2005	2005-11/102
optometrists					
Commerce, Occupational and Professional Licensing	27993	R156-16a-302b	AMD	08/02/2005	2005-13/6
overpayments					
Human Services, Recovery Services	28089	R527-332	5YR	07/14/2005	2005-15/47
Workforce Services, Workforce Information and Payment Services	28018	R994-305	NSC	08/01/2005	Not Printed
	27979	R994-406	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27928	R994-406	AMD	09/29/2005	2005-11/79
overtime					
Human Resource Management, Administration	27889	R477-8	AMD	07/02/2005	2005-11/41
ownership					
Natural Resources, Water Rights	27690	R655-3	5YR	02/01/2005	2005-4/54
ozone					
Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	2005-19/45
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
paint					
Environmental Quality, Air Quality	28131	R307-840	AMD	11/03/2005	2005-17/17
parental defense					
Administrative Services, Child Welfare Parental Defense (Office of)	27518	R19-1	NEW	05/13/2005	2004-22/9
	27518	R19-1	CPR	05/13/2005	2005-2/94
parks					
Natural Resources, Parks and Recreation	28061	R651-409	5YR	07/01/2005	2005-14/99
	28060	R651-634	5YR	07/01/2005	2005-14/99
	28093	R651-634	NSC	08/01/2005	Not Printed
	27920	R651-634-1	NSC	06/01/2005	Not Printed
	28297	R651-635	5YR	10/24/2005	2005-22/51

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particulate					
Environmental Quality, Air Quality	28218	R307-307	5YR	09/07/2005	2005-19/102
particulate matter					
Environmental Quality, Air Quality	28216	R307-305	5YR	09/07/2005	2005-19/99
	27762	R307-305	CPR	09/02/2005	2005-15/36
	27762	R307-305	AMD	09/02/2005	2005-7/19
patient rights					
Human Services, Mental Health, State Hospital	27996	R525-2	NSC	08/01/2005	Not Printed
patriotic education					
Education, Administration	28142	R277-475	5YR	08/15/2005	2005-17/55
payment determination					
Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
peace officers					
Public Safety, Peace Officer Standards and Training	28043	R728-205	5YR	06/27/2005	2005-14/101
pedestrians					
Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
peer review					
Commerce, Occupational and Professional Licensing	27835	R156-26a	AMD	06/21/2005	2005-10/12
penalties					
Environmental Quality, Drinking Water	27916	R309-405	5YR	05/16/2005	2005-11/97
	27781	R309-405	NSC	05/16/2005	Not Printed
people with disabilities					
Human Services, Services for People with Disabilities	27626	R539-2	NEW	03/12/2005	2005-2/45
	27794	R539-2-5	NSC	05/01/2005	Not Printed
	27792	R539-2-6	AMD	05/17/2005	2005-8/29
	27627	R539-3	NEW	03/12/2005	2005-2/47
	27793	R539-3-10	AMD	05/17/2005	2005-8/30
	27724	R539-4	NEW	05/03/2005	2005-6/16
per diem allowances					
Administrative Services, Finance	27848	R25-7	AMD	07/01/2005	2005-10/7
performance standards					
Health, Administration	27571	R380-40	AMD	02/02/2005	2004-24/9
	27990	R380-40	5YR	06/06/2005	2005-13/51
permit provisions					
School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72

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permit terms					
School and Institutional Trust Lands, Administration	27606	R850-25	NEW	04/01/2005	2005-2/81
permits					
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
	27843	R652-120	5YR	04/28/2005	2005-10/53
Natural Resources, Wildlife Resources	28083	R657-42	AMD	09/06/2005	2005-15/20
	27553	R657-42-4	AMD	01/15/2005	2004-24/53
School and Institutional Trust Lands, Administration	27602	R850-130	REP	04/01/2005	2005-2/89
Transportation, Motor Carrier, Ports of Entry	27953	R912-3	REP	07/18/2005	2005-12/74
	27790	R912-6	NEW	06/27/2005	2005-8/39
	27952	R912-11	NEW	07/18/2005	2005-12/79
	27972	R912-14	AMD	07/18/2005	2005-12/82
permitted vehicles					
Transportation, Motor Carrier, Ports of Entry	28147	R912-2	NEW	10/13/2005	2005-17/45
	27970	R912-9	NEW	07/18/2005	2005-12/74
	28241	R912-9	AMD	11/04/2005	2005-19/29
	27971	R912-10	NEW	07/18/2005	2005-12/77
personal property					
Tax Commission, Property Tax	28151	R884-24P-33	AMD	10/13/2005	2005-17/36
personal services					
Commerce, Consumer Protection	28178	R152-30	REP	10/18/2005	2005-18/8
personnel files					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	28002	R606-6	5YR	06/08/2005	2005-13/56
personnel management					
Human Resource Management, Administration	27904	R477-6	AMD	07/02/2005	2005-11/32
pharmacies					
Commerce, Occupational and Professional Licensing	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	NEW	05/17/2005	2004-23/20
	27529	R156-17b	CPR	05/17/2005	2005-8/43
pharmacists					
Commerce, Occupational and Professional Licensing	27786	R156-17a	REP	05/17/2005	2005-8/2
	27529	R156-17b	CPR	05/17/2005	2005-4/31
	27529	R156-17b	CPR	05/17/2005	2005-8/43
	27529	R156-17b	NEW	05/17/2005	2004-23/20
physicians					
Health, Health Care Financing, Coverage and Reimbursement Policy	27582	R414-1B	NSC	02/01/2005	Not Printed

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Health, Health Systems Improvement, Primary Care and Rural Health	28181	R434-100	NEW	10/31/2005	2005-18/19
pilot/escort vehicles					
Transportation, Motor Carrier, Ports of Entry	27970	R912-9	NEW	07/18/2005	2005-12/74
	28241	R912-9	AMD	11/04/2005	2005-19/29
	27971	R912-10	NEW	07/18/2005	2005-12/77
pipeline					
Public Service Commission, Administration	27527	R746-409-1	NSC	01/01/2005	Not Printed
plan of operation					
School and Institutional Trust Lands, Administration	27604	R850-26	NEW	04/01/2005	2005-2/84
	27601	R850-27	NEW	04/01/2005	2005-2/86
planning					
Administrative Services, Facilities Construction and Management	27615	R23-3	AMD	03/15/2005	2005-2/9
planning-budgeting					
Capitol Preservation Board (State), Administration	27713	R131-7	5YR	02/16/2005	2005-6/34
plant diseases					
Agriculture and Food, Plant Industry	28211	R68-10	5YR	09/06/2005	2005-19/42
	28212	R68-12	5YR	09/06/2005	2005-19/43
PM 10					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
	27765	R307-309	CPR	09/02/2005	2005-15/39
PM 2.5					
Environmental Quality, Air Quality	27762	R307-305	CPR	09/02/2005	2005-15/36
PM10					
Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	2005-19/45
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	27757	R307-201	AMD	09/02/2005	2005-7/9
	27757	R307-201	CPR	09/02/2005	2005-15/32
	27759	R307-206	AMD	07/07/2005	2005-7/15
	27760	R307-207	NEW	09/02/2005	2005-7/16
	28219	R307-302	5YR	09/07/2005	2005-19/98
	27762	R307-305	CPR	09/02/2005	2005-15/36
	28216	R307-305	5YR	09/07/2005	2005-19/99

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	27763	R307-306	NEW	09/02/2005	2005-7/22
	27763	R307-306	CPR	09/02/2005	2005-15/38
	27765	R307-309	AMD	09/02/2005	2005-7/24
	28220	R307-309	5YR	09/07/2005	2005-19/102
	28222	R307-310	5YR	09/07/2005	2005-19/104
	27766	R307-310-5	AMD	07/07/2005	2005-7/27
	28080	R307-310-5	NSC	09/01/2005	Not Printed
	27767	R307-421	NEW	07/07/2005	2005-7/28
PM2.5 Environmental Quality, Air Quality	28111	R307-110	NSC	08/01/2005	Not Printed
	28224	R307-110	5YR	09/08/2005	2005-19/45
	27768	R307-110-10	AMD	09/02/2005	2005-7/6
	27768	R307-110-10	CPR	09/02/2005	2005-15/28
	27429	R307-110-11	CPR	03/04/2005	2005-3/52
	27429	R307-110-11	AMD	03/04/2005	2004-19/37
	27343	R307-110-12	AMD	01/04/2005	2004-17/12
	27343	R307-110-12	CPR	01/04/2005	2004-23/53
	27769	R307-110-17	AMD	09/02/2005	2005-7/7
	27769	R307-110-17	CPR	09/02/2005	2005-15/29
	27762	R307-305	AMD	09/02/2005	2005-7/19
	27767	R307-421	NEW	07/07/2005	2005-7/28
policies and procedures Human Services, Substance Abuse and Mental Health	27638	R523-1	AMD	03/07/2005	2005-3/28
policy Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
ports of entry Transportation, Motor Carrier, Ports of Entry	27790	R912-6	NEW	06/27/2005	2005-8/39
postsecondary proprietary schools Commerce, Consumer Protection	28177	R152-34	AMD	10/18/2005	2005-18/10
pregnancy prevention Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54
preliminary notice Commerce, Occupational and Professional Licensing	27734	R156-38b	NEW	04/18/2005	2005-6/6
	28012	R156-38b-501	NSC	09/01/2005	Not Printed
prescriptions Health, Health Care Financing, Coverage and Reimbursement Policy	27549	R414-63	AMD	01/26/2005	2004-24/13
	28336	R414-63	5YR	11/08/2005	2005-23/67
preservation Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97

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price indexes					
Public Service Commission, Administration	27858	R746-352	REP	08/08/2005	2005-10/36
primary term					
School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
privacy					
Public Safety, Driver License	27878	R708-36	5YR	05/11/2005	2005-11/100
private investigators					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28053	R722-330	5YR	06/29/2005	2005-14/100
private landowners					
Natural Resources, Wildlife Resources	28263	R657-56	NEW	11/16/2005	2005-20/45
private probation provider					
Commerce, Occupational and Professional Licensing	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
private security officers					
Commerce, Occupational and Professional Licensing	28193	R156-63	5YR	09/01/2005	2005-18/72
probation					
Commerce, Occupational and Professional Licensing	27435	R156-50	CPR	01/18/2005	2004-24/58
	27435	R156-50	AMD	01/18/2005	2004-20/12
procedures					
Public Service Commission, Administration	27855	R746-240	AMD	08/08/2005	2005-10/29
	27856	R746-340	AMD	08/08/2005	2005-10/32
procurement					
Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
	28163	R23-1-60	AMD	10/18/2005	2005-18/5
	27605	R23-2	AMD	03/15/2005	2005-2/7
	27615	R23-3	AMD	03/15/2005	2005-2/9
Capitol Preservation Board (State), Administration	27711	R131-1	5YR	02/16/2005	2005-6/33
professional competency					
Education, Administration	28144	R277-516	REP	10/05/2005	2005-17/8
professional counselors					
Commerce, Occupational and Professional Licensing	27749	R156-60c	5YR	03/14/2005	2005-7/75
professional engineers					
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
professional land surveyors					
Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2

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professional staff					
Education, Administration	27873	R277-486-6	NSC	07/01/2005	Not Printed
program					
Capitol Preservation Board (State), Administration	27632	R131-9	NEW	03/03/2005	2005-2/26
promotions					
Agriculture and Food, Marketing and Conservation	28154	R65-1	NSC	09/01/2005	Not Printed
Administrative Services, Administration	28204	R65-1	5YR	09/02/2005	2005-19/39
Agriculture and Food, Marketing and Conservation	28155	R65-2	NSC	09/01/2005	Not Printed
	28156	R65-3	NSC	09/01/2005	Not Printed
Administrative Services, Administration	28205	R65-3	5YR	09/02/2005	2005-19/40
	28206	R65-4	5YR	09/02/2005	2005-19/40
Agriculture and Food, Marketing and Conservation	28157	R65-4	NSC	09/01/2005	Not Printed
	28158	R65-5	NSC	09/01/2005	Not Printed
	28161	R65-11	NSC	09/01/2005	Not Printed
property casualty insurance filing					
Insurance, Administration	27709	R590-225-3	CPR	07/22/2005	2005-10/49
	27709	R590-225-3	AMD	07/22/2005	2005-5/26
property tax					
Tax Commission, Property Tax	28151	R884-24P-33	AMD	10/13/2005	2005-17/36
psychologists					
Commerce, Occupational and Professional Licensing	27538	R156-61-502	AMD	01/04/2005	2004-23/40
public access					
Natural Resources, Wildlife Resources	28263	R657-56	NEW	11/16/2005	2005-20/45
public assistance					
Workforce Services, Employment Development	28235	R986-900	5YR	09/14/2005	2005-19/108
public assistance programs					
Health, Health Care Financing, Coverage and Reimbursement Policy	28240	R414-307	REP	11/01/2005	2005-19/11
	28239	R414-308	R&R	11/01/2005	2005-19/12
public buildings					
Administrative Services, Facilities Construction and Management	27603	R23-1	AMD	03/15/2005	2005-2/2
	28163	R23-1-60	AMD	10/18/2005	2005-18/5
Capitol Preservation Board (State), Administration	27712	R131-2	5YR	02/16/2005	2005-6/33
	27713	R131-7	5YR	02/16/2005	2005-6/34
Public Safety, Fire Marshal	27653	R710-4-3	AMD	03/04/2005	2005-3/44
	27976	R710-4-3	AMD	07/19/2005	2005-12/67
public education					
Education, Administration	27799	R277-437	AMD	05/19/2005	2005-8/17
	27800	R277-438	AMD	05/19/2005	2005-8/19

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public funds Money Management Council, Administration	27742	R628-19	R&R	05/05/2005	2005-7/64
public information Human Resource Management, Administration	27885	R477-2	AMD	07/02/2005	2005-11/29
public investments Money Management Council, Administration	28228	R628-2	AMD	11/01/2005	2005-19/25
	28314	R628-12	5YR	11/01/2005	2005-22/50
	28332	R628-13	5YR	11/07/2005	2005-23/69
	27743	R628-15	NEW	05/05/2005	2005-7/60
	28327	R628-16	5YR	11/03/2005	2005-23/69
public library Community and Economic Development, Community Development, Library	28333	R223-2	5YR	11/07/2005	2005-23/66
public notification Environmental Quality, Drinking Water	27962	R309-220	AMD	09/13/2005	2005-12/45
	27914	R309-220	5YR	05/16/2005	2005-11/95
public schools Education, Administration	27705	R277-410	AMD	04/01/2005	2005-5/8
public treasurers Money Management Council, Administration	28275	R628-4	5YR	10/06/2005	2005-21/82
public utilities Public Service Commission, Administration	27587	R746-200-6	AMD	02/25/2005	2005-1/32
	27857	R746-349	AMD	08/08/2005	2005-10/34
	28129	R746-349-9	AMD	10/11/2005	2005-17/35
	27858	R746-352	REP	08/08/2005	2005-10/36
	27860	R746-360	AMD	08/08/2005	2005-10/42
	27302	R746-360-9	CPR	01/04/2005	2004-23/54
	27302	R746-360-9	AMD	01/04/2005	2004-15/59
	27861	R746-405-1	AMD	08/08/2005	2005-10/44
quality control Agriculture and Food, Regulatory Services	28213	R70-101	5YR	09/06/2005	2005-19/43
quality standards Environmental Quality, Drinking Water	27913	R309-200	5YR	05/16/2005	2005-11/93
	27961	R309-200	AMD	09/13/2005	2005-12/35
quarantines Agriculture and Food, Animal Industry	27581	R58-2	AMD	02/01/2005	2005-1/9
rabbits Natural Resources, Wildlife Resources	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7

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radiation					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
radiation safety					
Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
radioactive materials					
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
	27747	R313-22	AMD	05/13/2005	2005-7/36
	27748	R313-32	AMD	05/13/2005	2005-7/38
radiopharmaceutical					
Environmental Quality, Radiation Control	27748	R313-32	AMD	05/13/2005	2005-7/38
range management					
School and Institutional Trust Lands, Administration	27811	R850-50	AMD	06/01/2005	2005-9/49
rates					
Public Service Commission, Administration	28307	R746-407	5YR	10/28/2005	2005-22/52
Workforce Services, Workforce Information and Payment Services	28017	R994-303	NSC	08/01/2005	Not Printed
	28019	R994-306	NSC	08/01/2005	Not Printed
	27966	R994-307	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27919	R994-307-101	AMD	09/29/2005	2005-11/71
reading					
Education, Administration	28143	R277-476	5YR	08/15/2005	2005-17/55
	27933	R277-480	REP	07/18/2005	2005-12/27
real estate appraisals					
Commerce, Real Estate	27797	R162-102-1	AMD	05/25/2005	2005-8/12
	27950	R162-103-5	AMD	07/27/2005	2005-12/17
	28238	R162-103-7	AMD	11/23/2005	2005-19/4
	28031	R162-105	AMD	09/29/2005	2005-13/20
	28030	R162-106	AMD	09/29/2005	2005-13/23
	28237	R162-107	AMD	11/23/2005	2005-19/5
	27788	R162-107	AMD	05/25/2005	2005-8/14
	27946	R162-109	AMD	07/27/2005	2005-12/18
real estate business					
Commerce, Real Estate	27951	R162-2-1	AMD	08/17/2005	2005-12/15
	27951	R162-2-1	CPR	08/17/2005	2005-14/75
	28128	R162-2-2	AMD	10/24/2005	2005-17/5
	27720	R162-2-2	NSC	04/01/2005	Not Printed
	27940	R162-6-1	AMD	07/20/2005	2005-12/16
	28278	R162-10	5YR	10/07/2005	2005-21/81
reciprocity					
Environmental Quality, Radiation Control	27745	R313-19	AMD	05/13/2005	2005-7/34

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reclamation					
Natural Resources, Oil, Gas and Mining; Coal	27778	R645-105	5YR	03/25/2005	2005-8/58
	27779	R645-400	5YR	03/25/2005	2005-8/58
records					
Health, Medical Examiner	27989	R448-20	5YR	06/06/2005	2005-13/53
records appeal hearings					
Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
	27700	R35-1a	NSC	04/01/2005	Not Printed
	27621	R35-1a	NEW	03/08/2005	2005-2/17
	27625	R35-2	AMD	03/04/2005	2005-2/18
	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
recreation					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
refugee resettlement program					
Workforce Services, Employment Development	28230	R986-300	5YR	09/14/2005	2005-19/106
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Commerce, Consumer Protection	28177	R152-34	AMD	10/18/2005	2005-18/10
Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
	28035	R994-403	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27937	R994-403-123	AMD	09/29/2005	2005-12/86
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Environmental Quality, Drinking Water	27913	R309-200	5YR	05/16/2005	2005-11/93
	27961	R309-200	AMD	09/13/2005	2005-12/35
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Money Management Council, Administration	28327	R628-16	5YR	11/03/2005	2005-23/69
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Community and Economic Development, Community Development, History	28055	R212-11	5YR	06/30/2005	2005-14/97
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Corrections, Administration	28086	R251-113	5YR	07/13/2005	2005-15/43
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Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
	27931	R865-19S-8	AMD	07/20/2005	2005-12/73
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	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28045	R865-19S-87	NSC	09/01/2005	Not Printed
	28049	R865-19S-90	AMD	09/01/2005	2005-14/65
	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
	28050	R865-19S-98	AMD	09/01/2005	2005-14/66
	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
	28114	R865-19S-120	AMD	10/13/2005	2005-16/38
reporting					
Health, Community and Family Health Services, Children with Special Health Care Needs	27941	R398-10	AMD	08/30/2005	2005-12/61
Natural Resources, Oil, Gas and Mining; Oil and Gas	28071	R649-8	NSC	08/01/2005	Not Printed
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Health, Medical Examiner	27988	R448-10	5YR	06/06/2005	2005-13/52
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Governor, Planning and Budget, Chief Information Officer	27545	R365-101	NEW	03/09/2005	2004-23/45
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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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Commerce, Real Estate	27943	R162-202	AMD	08/03/2005	2005-12/21
	27945	R162-208	AMD	08/03/2005	2005-12/22
	28253	R162-208-10	NSC	10/01/2005	Not Printed
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Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
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Human Services, Aging and Adult Services	28039	R510-401	5YR	06/22/2005	2005-14/98
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Human Resource Management, Administration	27890	R477-12-3	AMD	07/02/2005	2005-11/47
Public Safety, Peace Officer Standards and Training	28043	R728-205	5YR	06/27/2005	2005-14/101
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Capitol Preservation Board (State), Administration	27973	R131-5	CPR	11/15/2005	2005-20/57
	27973	R131-5	NEW	11/15/2005	2005-12/9

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	27793	R539-3-10	AMD	05/17/2005	2005-8/30
roads					
Environmental Quality, Air Quality	28218	R307-307	5YR	09/07/2005	2005-19/102
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Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
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School and Institutional Trust Lands, Administration	27611	R850-20	REP	04/01/2005	2005-2/50
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Education, Administration	28372	R277-100	5YR	11/23/2005	Not Printed
Health, Epidemiology and Laboratory Services, Epidemiology	27496	R386-702	CPR	05/16/2005	2005-3/53
	28152	R386-702	AMD	10/14/2005	2005-17/19
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Health, Community and Family Health Services, Immunization	27897	R396-100	AMD	07/21/2005	2005-11/6
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	27861	R746-405-1	AMD	08/08/2005	2005-10/44
	28307	R746-407	5YR	10/28/2005	2005-22/52
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	27812	R850-2	NSC	05/01/2005	Not Printed
safety					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
Labor Commission, Occupational Safety and Health	28013	R614-1-4	AMD	08/02/2005	2005-13/33
	28255	R614-1-4	NSC	11/01/2005	Not Printed
	27903	R614-7-4	AMD	07/02/2005	2005-11/60
Labor Commission, Safety	27616	R616-2-3	AMD	03/07/2005	2005-2/49
	27590	R616-3-3	AMD	02/01/2005	2005-1/30
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Transportation, Motor Carrier, Ports of Entry	27954	R912-16	5YR	06/01/2005	2005-12/89
	28150	R912-16	5YR	08/15/2005	2005-17/56
safety education					
Education, Administration	27539	R277-400	NSC	01/01/2005	Not Printed
safety regulation					
Transportation, Motor Carrier	28243	R909-75	AMD	11/04/2005	2005-19/28

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Tax Commission, Auditing	27868	R865-19S-6	AMD	07/20/2005	2005-11/64
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	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
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	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28045	R865-19S-87	NSC	09/01/2005	Not Printed
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	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
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	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
	28114	R865-19S-120	AMD	10/13/2005	2005-16/38
sand					
School and Institutional Trust Lands, Administration	27609	R850-23	NEW	04/01/2005	2005-2/72
sanitarian					
Commerce, Occupational and Professional Licensing	28276	R156-20a	5YR	10/06/2005	2005-21/80
scenic byways					
Transportation, Program Development	28024	R926-7	NEW	09/15/2005	2005-13/42
scholarships					
Education, Administration	28143	R277-476	5YR	08/15/2005	2005-17/55
	28026	R277-602	EMR	06/14/2005	2005-13/47
	28138	R277-602	NEW	10/05/2005	2005-17/10
	27663	R765-604	5YR	01/19/2005	2005-4/56
	27666	R765-604	AMD	03/22/2005	2005-4/22
school personnel					
Education, Administration	28140	R277-107	5YR	08/15/2005	2005-17/54
	28144	R277-516	REP	10/05/2005	2005-17/8
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Education, Administration	28141	R277-474	5YR	08/15/2005	2005-17/54

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Education, Administration	28282	R277-444	5YR	10/12/2005	2005-21/81
	27932	R277-444	AMD	07/18/2005	2005-12/24
secondary education					
Regents (Board Of), Administration	27666	R765-604	AMD	03/22/2005	2005-4/22
	27663	R765-604	5YR	01/19/2005	2005-4/56
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Commerce, Securities	27732	R164-2	5YR	02/28/2005	2005-6/34
	27735	R164-2-1	NSC	04/01/2005	Not Printed
	27777	R164-9-1	EMR	03/25/2005	2005-8/53
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	27742	R628-19	R&R	05/05/2005	2005-7/64
securities regulation					
Commerce, Securities	27732	R164-2	5YR	02/28/2005	2005-6/34
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	27777	R164-9-1	EMR	03/25/2005	2005-8/53
Money Management Council, Administration	27743	R628-15	NEW	05/05/2005	2005-7/60
security guards					
Commerce, Occupational and Professional Licensing	28193	R156-63	5YR	09/01/2005	2005-18/72
self administered services					
Human Services, Services for People with Disabilities	27801	R539-5	NEW	05/17/2005	2005-8/33
	27939	R539-5-5	NSC	06/01/2005	Not Printed
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Community and Economic Development, Community Development, Community Services	27421	R202-203-324	AMD	01/12/2005	2004-19/25
	27419	R202-203-328	AMD	01/12/2005	2004-19/26
septic tanks					
Environmental Quality, Water Quality	27699	R317-4	5YR	02/10/2005	2005-5/30
services					
Human Services, Services for People with Disabilities	27626	R539-2	NEW	03/12/2005	2005-2/45
	27794	R539-2-5	NSC	05/01/2005	Not Printed
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Administrative Services, Facilities Construction and Management	27614	R23-26	NEW	03/15/2005	2005-2/12
settlements					
Labor Commission, Adjudication	28259	R602-2-3	AMD	11/15/2005	2005-20/42
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Natural Resources, Wildlife Resources	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
smoke					
Environmental Quality, Air Quality	27758	R307-204-3	AMD	07/07/2005	2005-7/11
social services					
Human Services, Administration, Administrative Hearings	28318	R497-100	5YR	11/02/2005	2005-23/68
Human Services, Services for People with Disabilities	27651	R539-2	REP	03/12/2005	2005-3/31
	27792	R539-2-6	AMD	05/17/2005	2005-8/29
	27652	R539-3	REP	03/12/2005	2005-3/34
	27753	R539-4	REP	05/03/2005	2005-7/58
	27802	R539-5	REP	05/17/2005	2005-8/31
	28210	R539-6	REP	11/04/2005	2005-19/17
	28036	R539-7	REP	09/16/2005	2005-14/20
	28037	R539-7	EMR	06/20/2005	2005-14/94
	27795	R539-8	REP	05/17/2005	2005-8/35
source monitoring					
Environmental Quality, Drinking Water	27917	R309-205	5YR	05/16/2005	2005-11/93
	27967	R309-205	AMD	09/13/2005	2005-12/37
sovereign lands					
Natural Resources, Forestry, Fire and State Lands	27750	R652-70-1900	AMD	05/20/2005	2005-7/66
	27740	R652-70-2300	AMD	05/20/2005	2005-7/67
space					
Capitol Preservation Board (State), Administration	27974	R131-6	NEW	10/13/2005	2005-12/12
special needs students					
Education, Administration	28138	R277-602	NEW	10/05/2005	2005-17/10
	28026	R277-602	EMR	06/14/2005	2005-13/47
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Environmental Quality, Radiation Control	27747	R313-22	AMD	05/13/2005	2005-7/36
speech impaired					
Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
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Commerce, Occupational and Professional Licensing	28176	R156-41-502	AMD	10/18/2005	2005-18/13
stabilization					
Environmental Quality, Drinking Water	27965	R309-535	CPR	11/16/2005	2005-20/59
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Capitol Preservation Board (State), Administration	27713	R131-7	5YR	02/16/2005	2005-6/34
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Community and Economic Development, Community Development, Community Services	27420	R202-207-702	AMD	01/12/2005	2004-19/27
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Administrative Services, Records Committee	27880	R35-1	AMD	07/14/2005	2005-11/5
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	27621	R35-1a	NEW	03/08/2005	2005-2/17
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	27622	R35-3	AMD	03/04/2005	2005-2/19
	27624	R35-4	AMD	03/04/2005	2005-2/20
	27623	R35-5	AMD	03/04/2005	2005-2/21
	27620	R35-6	AMD	03/04/2005	2005-2/22
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Administrative Services, Fleet Operations	27599	R27-3-6	NSC	02/01/2005	Not Printed
	28025	R27-3-12	AMD	10/03/2005	2005-13/5
stationary sources					
Environmental Quality, Air Quality	27665	R307-210	AMD	04/19/2005	2005-4/17
storage					
Capitol Preservation Board (State), Administration	27974	R131-6	NEW	10/13/2005	2005-12/12
stove					
Environmental Quality, Air Quality	27760	R307-207	CPR	09/02/2005	2005-15/33
	27761	R307-302	CPR	09/02/2005	2005-15/34
stoves					
Environmental Quality, Air Quality	28214	R307-201	5YR	09/07/2005	2005-19/95
	27760	R307-207	NEW	09/02/2005	2005-7/16
	27761	R307-302	AMD	09/02/2005	2005-7/17
	28219	R307-302	5YR	09/07/2005	2005-19/98
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Workforce Services, Workforce Information and Payment Services	27729	R994-403	NSC	04/01/2005	Not Printed
	28035	R994-403	NSC	08/01/2005	Not Printed
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Education, Administration	27933	R277-480	REP	07/18/2005	2005-12/27
	27875	R277-713	NSC	07/01/2005	Not Printed
	27662	R277-713	AMD	03/21/2005	2005-4/14
students at risk					
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Education, Administration	28374	R277-616	5YR	11/23/2005	Not Printed
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Human Services, Recovery Services	27938	R527-67	REP	08/10/2005	2005-12/67
	27842	R527-67	NSC	08/10/2005	Not Printed
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Human Services, Mental Health, State Hospital	28096	R525-7	NSC	08/01/2005	Not Printed
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Education, Administration	28075	R277-459	5YR	07/06/2005	2005-15/44
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Environmental Quality, Drinking Water	27963	R309-505	AMD	09/13/2005	2005-12/47
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Environmental Quality, Drinking Water	27910	R309-215	5YR	05/16/2005	2005-11/94
	27969	R309-215	AMD	09/13/2005	2005-12/43
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Environmental Quality, Radiation Control	27738	R313-34	5YR	03/08/2005	2005-7/76
	27646	R313-34-1	NSC	02/01/2005	Not Printed
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Commerce, Occupational and Professional Licensing	27698	R156-22	AMD	04/04/2005	2005-5/2
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Public Safety, Fire Marshal	27671	R710-7-1	AMD	06/13/2005	2005-4/21
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Environmental Quality, Air Quality	27764	R307-205	AMD	07/07/2005	2005-7/12
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	28042	R307-205	NSC	09/07/2005	Not Printed
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Public Service Commission, Administration	27861	R746-405-1	AMD	08/08/2005	2005-10/44
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	27820	R865-19S-32	AMD	07/01/2005	2005-9/54
	27822	R865-19S-51	AMD	07/01/2005	2005-9/55
	27825	R865-19S-52	AMD	07/01/2005	2005-9/56
	27826	R865-19S-60	AMD	07/01/2005	2005-9/56
	27828	R865-19S-68	AMD	07/01/2005	2005-9/57
	27831	R865-19S-71	AMD	07/01/2005	2005-9/58
	27870	R865-19S-78	AMD	07/20/2005	2005-11/65
	27832	R865-19S-85	AMD	07/01/2005	2005-9/59
	28045	R865-19S-87	NSC	09/01/2005	Not Printed
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	27833	R865-19S-90	AMD	07/01/2005	2005-9/61
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	27834	R865-19S-101	AMD	07/01/2005	2005-9/62
	27867	R865-19S-112	AMD	07/20/2005	2005-11/67
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tax returns					
Tax Commission, Auditing	27804	R865-9I-21	AMD	06/08/2005	2005-9/51
	27930	R865-9I-51	AMD	07/20/2005	2005-12/72
taxation					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
	27739	R865-16R	5YR	03/08/2005	2005-7/77
Tax Commission, Motor Vehicle	28046	R873-22M-27	AMD	09/01/2005	2005-14/68
	27803	R873-22M-27	AMD	06/08/2005	2005-9/63
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	28273	R873-22M-34	NSC	10/31/2005	Not Printed
Tax Commission, Property Tax	28151	R884-24P-33	AMD	10/13/2005	2005-17/36
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Insurance, Administration	28136	R590-157-3	NSC	09/01/2005	Not Printed
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Education, Administration	28145	R277-515	REP	10/05/2005	2005-17/7
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Education, Administration	28075	R277-459	5YR	07/06/2005	2005-15/44
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	27857	R746-349	AMD	08/08/2005	2005-10/34
	28129	R746-349-9	AMD	10/11/2005	2005-17/35
	27858	R746-352	REP	08/08/2005	2005-10/36
	27859	R746-356	AMD	08/08/2005	2005-10/40
	27860	R746-360	AMD	08/08/2005	2005-10/42
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	27821	R746-341	AMD	06/20/2005	2005-9/42
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	28127	R608-1-8	AMD	10/07/2005	2005-17/27
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title Insurance, Administration	27776	R590-212	NSC	05/01/2005	Not Printed
title insurance Insurance, Title and Escrow Commission	28105	R592-1	NEW	09/30/2005	2005-16/32
	28107	R592-2	NEW	09/30/2005	2005-16/33
traffic control Transportation, Operations, Traffic and Safety	27955	R920-5	AMD	07/18/2005	2005-12/83
traffic regulations Public Safety, Driver License	28108	R708-16	NSC	08/01/2005	Not Printed

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Public Service Commission, Administration	28057	R746-510	NEW	08/25/2005	2005-14/58
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Transportation, Operations, Construction	27846	R916-4	NEW	06/27/2005	2005-10/46
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transportation conformity					
Environmental Quality, Air Quality	28222	R307-310	5YR	09/07/2005	2005-19/104
	27766	R307-310-5	AMD	07/07/2005	2005-7/27
	28080	R307-310-5	NSC	09/01/2005	Not Printed
transportation safety					
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Transportation, Operations, Traffic and Safety	27876	R920-50	AMD	07/12/2005	2005-11/69
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Environmental Quality, Air Quality	28079	R307-320	5YR	07/07/2005	2005-15/46
	27701	R307-320	NSC	07/07/2005	Not Printed
trucking industries					
Tax Commission, Auditing	27929	R865-6F-35	AMD	07/20/2005	2005-12/71
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Transportation, Motor Carrier	28242	R909-1	AMD	11/04/2005	2005-19/27
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	27790	R912-6	NEW	06/27/2005	2005-8/39
	27970	R912-9	NEW	07/18/2005	2005-12/74
	28241	R912-9	AMD	11/04/2005	2005-19/29
	27971	R912-10	NEW	07/18/2005	2005-12/77
	27952	R912-11	NEW	07/18/2005	2005-12/79
	27972	R912-14	AMD	07/18/2005	2005-12/82
	27954	R912-16	5YR	06/01/2005	2005-12/89

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underground injection control Environmental Quality, Water Quality	27596	R317-7	NSC	02/01/2005	Not Printed
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unemployment compensation Workforce Services, Workforce Information and Payment Services	28000	R994-102	NSC	08/01/2005	Not Printed
	28001	R994-106	NSC	08/01/2005	Not Printed
	27730	R994-201	NSC	04/01/2005	Not Printed
	28007	R994-201	NSC	08/01/2005	Not Printed
	28008	R994-202	NSC	08/01/2005	Not Printed
	27789	R994-204	5YR	04/01/2005	2005-8/59
	28009	R994-204	NSC	08/01/2005	Not Printed
	28014	R994-205	NSC	08/01/2005	Not Printed
	27791	R994-205	5YR	04/01/2005	2005-8/59
	27796	R994-206	5YR	04/01/2005	2005-8/60
	28010	R994-206	NSC	08/01/2005	Not Printed
	28011	R994-207	NSC	08/01/2005	Not Printed
Workforce Services, Unemployment Insurance	28170	R994-207	5YR	08/25/2005	2005-18/73
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	28016	R994-302	NSC	08/01/2005	Not Printed
	28017	R994-303	NSC	08/01/2005	Not Printed
	28018	R994-305	NSC	08/01/2005	Not Printed
	28019	R994-306	NSC	08/01/2005	Not Printed
	27966	R994-307	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27919	R994-307-101	AMD	09/29/2005	2005-11/71
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	27968	R994-309	NSC	08/01/2005	Not Printed

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	27984	R994-311	NSC	08/01/2005	Not Printed
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	27983	R994-401	NSC	08/01/2005	Not Printed
	27728	R994-401	NSC	04/01/2005	Not Printed
Administrative Services, Administration	27924	R994-401	AMD	09/29/2005	2005-11/75
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	27729	R994-403	NSC	04/01/2005	Not Printed
	28035	R994-403	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27937	R994-403-123	AMD	09/29/2005	2005-12/86
Workforce Services, Workforce Information and Payment Services	27980	R994-404	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27926	R994-404-101	AMD	09/29/2005	2005-11/76
	27927	R994-405	AMD	09/29/2005	2005-11/77
Workforce Services, Workforce Information and Payment Services	28033	R994-405	NSC	08/01/2005	Not Printed
	27979	R994-406	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27928	R994-406	AMD	09/29/2005	2005-11/79
Workforce Services, Workforce Information and Payment Services	27978	R994-508	NSC	08/01/2005	Not Printed
Administrative Services, Administration	27936	R994-508-109	AMD	09/29/2005	2005-12/86
unemployment experience rating					
Workforce Services, Workforce Information and Payment Services	28041	R994-304	NSC	08/01/2005	Not Printed
	27823	R994-304	NEW	06/01/2005	2005-9/69
uninsured motorist database					
Public Safety, Driver License	27877	R708-32	5YR	05/10/2005	2005-11/100
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Environmental Quality, Radiation Control	27746	R313-12	AMD	05/13/2005	2005-7/29
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Workforce Services, Workforce Information and Payment Services	28015	R994-208	NSC	08/01/2005	Not Printed
waiver					
Health, Health Systems Improvement, Primary Care and Rural Health	28181	R434-100	NEW	10/31/2005	2005-18/19
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Environmental Quality, Radiation Control	27744	R313-15	AMD	05/13/2005	2005-7/33
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	27659	R317-1	AMD	04/20/2005	2005-3/5
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Environmental Quality, Water Quality	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27699	R317-4	5YR	02/10/2005	2005-5/30
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Environmental Quality, Water Quality	27656	R317-10-6	AMD	04/20/2005	2005-3/18
water pollution					
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	27659	R317-1	AMD	04/20/2005	2005-3/5
	27817	R317-1-7	AMD	06/29/2005	2005-9/5
	27593	R317-2	CPR	06/01/2005	2005-9/72
	27593	R317-2	AMD	06/01/2005	2005-1/13
	27658	R317-3-10	AMD	04/20/2005	2005-3/10
	27657	R317-8-3	AMD	04/20/2005	2005-3/12
	27656	R317-10-6	AMD	04/20/2005	2005-3/18
water quality					
Environmental Quality, Drinking Water	27905	R309-225	5YR	05/16/2005	2005-11/95
Environmental Quality, Water Quality	27658	R317-3-10	AMD	04/20/2005	2005-3/10
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Environmental Quality, Water Quality	27593	R317-2	CPR	06/01/2005	2005-9/72
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Natural Resources, Wildlife Resources	28187	R657-9	AMD	10/25/2005	2005-18/49
watershed management					
Environmental Quality, Drinking Water	27907	R309-105	5YR	05/16/2005	2005-11/91
	28252	R309-105-16	NSC	11/01/2005	Not Printed
	27959	R309-105-16	AMD	09/13/2005	2005-12/31
weapons					
Human Services, Mental Health, State Hospital	27999	R525-6	NSC	08/01/2005	Not Printed
weed control					
Agriculture and Food, Plant Industry	27774	R68-9-2	NSC	05/01/2005	Not Printed
well drilling					
Natural Resources, Water Rights	27691	R655-4	5YR	02/01/2005	2005-4/55
	27475	R655-4	NSC	02/01/2005	Not Printed
	27392	R655-4	AMD	01/12/2005	2004-18/30
	28051	R655-4-9	NSC	09/01/2005	Not Printed
wildlife					
Natural Resources, Wildlife Resources	27550	R657-5	AMD	01/15/2005	2004-24/38
	28364	R657-5	5YR	11/21/2005	Not Printed
	27865	R657-5	AMD	07/05/2005	2005-11/61
	28082	R657-6	5YR	07/08/2005	2005-15/49
	28081	R657-6	AMD	09/06/2005	2005-15/7
	28187	R657-9	AMD	10/25/2005	2005-18/49
	28188	R657-10	AMD	10/25/2005	2005-18/52
	28189	R657-11	AMD	10/25/2005	2005-18/58
	28168	R657-11	5YR	08/24/2005	2005-18/73
	27721	R657-12	AMD	04/15/2005	2005-6/24
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
	28363	R657-17	5YR	11/21/2005	Not Printed
	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
	28277	R657-24	5YR	10/07/2005	2005-21/83
	27649	R657-33	AMD	03/04/2005	2005-3/36
	27751	R657-33-2	NSC	04/01/2005	Not Printed
	28087	R657-37	AMD	09/06/2005	2005-15/15
	27551	R657-37	AMD	01/15/2005	2004-24/45
	28367	R657-38	5YR	11/21/2005	Not Printed
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	27639	R657-47	REP	03/04/2005	2005-3/39
	27637	R657-47	NSC	03/04/2005	Not Printed
	27827	R657-55	NEW	06/01/2005	2005-9/38
	28263	R657-56	NEW	11/16/2005	2005-20/45
wildlife conservation					
Natural Resources, Wildlife Resources	27552	R657-38	AMD	01/15/2005	2004-24/48
wildlife law					
Natural Resources, Wildlife Resources	28168	R657-11	5YR	08/24/2005	2005-18/73
	28189	R657-11	AMD	10/25/2005	2005-18/58
	27721	R657-12	AMD	04/15/2005	2005-6/24
	27432	R657-13	CPR	01/03/2005	2004-22/66
	27432	R657-13	AMD	01/03/2005	2004-20/33
	27864	R657-21	5YR	05/05/2005	2005-11/99
	28088	R657-21-2	AMD	09/06/2005	2005-15/14
wildlife management					
Natural Resources, Wildlife Resources	27863	R657-15	5YR	05/05/2005	2005-11/99
	27862	R657-15	AMD	07/05/2005	2005-11/63
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Natural Resources, Wildlife Resources	28366	R657-41	5YR	11/21/2005	Not Printed
	27637	R657-47	NSC	03/04/2005	Not Printed
	27639	R657-47	REP	03/04/2005	2005-3/39
	27827	R657-55	NEW	06/01/2005	2005-9/38
woodburning					
Environmental Quality, Air Quality	28214	R307-201	5YR	09/07/2005	2005-19/95
	27760	R307-207	NEW	09/02/2005	2005-7/16
	27760	R307-207	CPR	09/02/2005	2005-15/33
	28219	R307-302	5YR	09/07/2005	2005-19/98
	27761	R307-302	AMD	09/02/2005	2005-7/17
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Labor Commission, Adjudication	28259	R602-2-3	AMD	11/15/2005	2005-20/42
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	27895	R612-2-2	AMD	07/02/2005	2005-11/52
	27900	R612-2-3	AMD	07/02/2005	2005-11/53
	27899	R612-2-5	AMD	07/02/2005	2005-11/54
	27893	R612-2-18	AMD	07/02/2005	2005-11/56
	27891	R612-2-22	AMD	07/02/2005	2005-11/57
	28300	R612-6	5YR	10/24/2005	2005-22/50
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Insurance, Administration	27488	R590-231	CPR	05/20/2005	2005-8/50
	27488	R590-231	CPR	05/20/2005	2005-3/55
	27488	R590-231	NEW	05/20/2005	2004-21/15
Workforce Investment Act					
Workforce Services, Employment Development	28234	R986-600	5YR	09/14/2005	2005-19/107
	28063	R986-600	AMD	08/16/2005	2005-14/69
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Environmental Quality, Radiation Control	27991	R313-16	AMD	08/12/2005	2005-13/26