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

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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.

Division of Administrative Rules, Salt Lake City 84114

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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 March 2, 2006, 12:00 a.m., and March 15, 2006, 11:59 p.m. are included in this, the April 1, 2006, 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 Rules being repealed are completely struck out.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 May 1, 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 July 30, 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, Administration
R151-14
New Automobile Franchise Act Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28542
FILED: 03/08/2006, 11:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to bring the rule into agreement with amendments to authorizing statutes.

SUMMARY OF THE RULE OR CHANGE: In accordance with the amendments to the authorizing statutes, this rule filing corrects statutory references and clarifies that the Executive Director of the Department is a presiding officer, that the Department staff handles the registration paperwork rather than the Utah Motor Vehicle Franchise Advisory Board, and that notices of agency action shall comply with the Utah Administrative Procedures Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46b-1 et seq. and 13-14-101 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This rule filing does not add any costs to the State Budget because the amendments are merely clarifying provisions. Any costs were previously addressed in passage of amendments to the authorizing statutes.
❖ LOCAL GOVERNMENTS: This rule does not affect local government, because local government is not the regulated industry or the regulating body.
❖ OTHER PERSONS: This rule filing does not create any costs to the regulated individual or regulated industry because it merely clarifies existing provisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule filing does not create any costs to the regulated individual or regulated industry because it merely clarifies existing provisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing contains technical and clarifying amendments that are not anticipated to create any fiscal impact to businesses beyond those previously addressed upon passage of amendments to the authorizing statutes. Francine A. Giani, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/02/2006

AUTHORIZED BY: Francine Giani, Executive Director

R151. Commerce, Administration.
R151-14. New Automobile Franchise Act Rule.
R151-14-1. Title.

This rule shall be known as the "New Automobile Franchise Act Rule".

R151-14-2. Authority - Purpose.

In accordance with the New Automobile Franchise Act, Title 13, Chapter 14, this rule governs [~~administrative~~]adjudicative proceedings before the Utah Motor Vehicle Franchise Advisory Board and the Executive Director of the Department of Commerce, and is adopted under the authority of Subsection 13-14-104([~~1~~]2).

R151-14-3. Adjudicative Proceedings.

(1) Informal Proceeding. [~~Pursuant to Section 13-14-104, administrative and a~~]Adjudicative proceedings [~~conducted~~]before the Board and the Executive Director [~~shall be conducted informally~~]are designated as informal adjudicative proceedings.

(2) Applicable Rules. In addition to Title 63, Chapter 46b, Utah Administrative Procedures Act, any adjudicative proceedings [~~required by~~]under the New Automobile Franchise Act shall be conducted in accordance with this rule and with the Department of Commerce Administrative Procedures Act Rule, R151-46b.

(3) Procedure for Substitution of Presiding Officer. In accordance with Section[~~s~~] 63-46b-2(1)(h)[~~ and 13-14-107(2)~~], the Executive Director of the Department may upon his/her own motion substitute an administrative law judge as the presiding officer to conduct certain aspects of the adjudicative proceedings before the Board if he/she determines that fairness to the parties would not be compromised by such substitution. The substitution order shall give any party who feels that such substitution would compromise fairness an opportunity to request the Executive Director to reconsider the substitution by submitting written objections and supporting arguments to the Executive Director. Upon reconsideration, the Executive Director may leave the order intact or make such other orders as he/she deems appropriate.

(4) Submissions. Except as otherwise expressly required or permitted in this Rule or in the New Automobile Franchise Act, all correspondence or other submissions shall be directed to the Chair of the Utah Motor Vehicle Franchise Advisory Board at the Utah Department of Commerce.

(5) Form of Pleadings. A notice of agency action by the agency shall comply with the requirements of the Utah Administrative Procedures Act, Section 63-46b-3(2). A request to commence an adjudicative proceeding pursuant to Section 13-14-107(1).[~~for approval of an act regulated by the New Automobile~~

Franchise Act] shall be [commenced by the filing of]a pleading headed "BEFORE THE DEPARTMENT OF COMMERCE, UTAH MOTOR VEHICLE FRANCHISE ADVISORY BOARD" and captioned "Request for Agency Action." The pleading shall [be]substantially [in]compl[iance]y with the Utah Administrative Procedures Act, Section 63-46b-3(3), and the Department of Commerce Administrative Procedures Act Rule, R151-46b-7.

(6) Answer. If the presiding officer determines that an answer to any notice of agency action or request for agency action would be helpful to the proceedings, the presiding officer may order a party to the proceedings to file an answer.

(7) Memoranda. If the presiding officer determines that prehearing briefs would be helpful to the proceedings, the presiding officer may order the parties to submit memoranda in accordance with any scheduling order entered by the presiding officer.

(8) GRAMA. Any request[s] for records of the proceedings before the Board and the Executive Director will be governed by GRAMA (Government Records Access and Management Act), Utah Code Ann. Section 63-2-101 et seq. Any schedule of records classifications maintained by the Department shall be made available to the parties upon request.

R151-14-4. Registration.

(1) Each newly formed or otherwise not previously registered franchisor or franchisee shall request an initial registration form from the [Board]Department.

(2) The [Board]Department shall provide a renewal form to each registered franchisor and franchisee at least 30 and not more than 60 days prior to the expiration of the current registration.

([2]3) A registrant may use the form provided by the [Board]Department to renew its registration or may submit a renewal request in another format so long as that request contains the following information:

(a) Name of dealership/manufacturer;

(b) Address of dealership/manufacturer;

(c) Owners or stockholders and percentage of holding (5% or above only);

(d) Line-makes manufactured, distributed, or sold;

(e) If applicable, dealer number; and

(f) Name and address of person designated for the purpose of receiving notices or process pursuant to the provisions of the New Automobile Franchise Act.

([3]4) [At the option of the Board's chair, t]The processing of an application for registration by the Department [staff]may be delayed for a reasonable time to give the registrant an opportunity to cure technical defects in an application for registration.

KEY: automobiles, motor vehicles, franchises, recreational vehicles

Date of Enactment or Last Substantive Amendment: [June 17, 2003]2006

Notice of Continuation: November 14, 2001

Authorizing, and Implemented or Interpreted Law: 13-14-101 et seq.

Commerce, Administration

R151-35

Powersport Vehicle Franchise Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28543

FILED: 03/08/2006, 11:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to bring the rule into agreement with amendments to authorizing statutes.

SUMMARY OF THE RULE OR CHANGE: In accordance with the amendments to the authorizing statutes, this rule filing corrects statutory references and clarifies that the Executive Director of the Department is a presiding officer, that the Department staff handles the registration paperwork rather than the Utah Powersport Vehicle Franchise Advisory Board, and that notices of agency action shall comply with the Utah Administrative Procedures Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46b-1 et seq. and 13-35-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule filing does not add any costs to the State Budget because the amendments are merely clarifying provisions. Any costs were previously addressed in passage of amendments to the authorizing statutes.

❖ LOCAL GOVERNMENTS: This rule does not affect local government, because local government is not the regulated industry or the regulating body.

❖ OTHER PERSONS: This rule filing does not create any costs to the regulated individual or regulated industry because it merely clarifies existing provisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule filing does not create any costs to the regulated individual or regulated industry because it merely clarifies existing provisions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing contains technical and clarifying amendments that are not anticipated to create any fiscal impact to businesses beyond those previously addressed upon passage of amendments to the authorizing statutes. Francine A. Giani, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/02/2006

AUTHORIZED BY: Francine Giani, Executive Director

R151. Commerce, Administration.
R151-35. Powersport Vehicle Franchise Act Rule.
R151-35-1. Title.

This rule shall be known as the "Powersport Vehicle Franchise Act Rule".

R151-35-2. Authority - Purpose.

In accordance with the Powersport Vehicle Franchise Act, Title 13, Chapter 35, this rule governs [administrative]adjudicative proceedings before the Utah Powersport Vehicle Franchise Advisory Board and the Executive Director of the Department of Commerce, and is adopted under the authority of Subsection 13-35-104([1]2).

R151-35-3. Adjudicative Proceedings.

(1) Informal Proceeding. [Pursuant to Section 13-35-104, administrative and a]Adjudicative proceedings [conducted]before the Board and the Executive Director [shall be conducted informally]are designated as informal adjudicative proceedings.

(2) Applicable Rules. In addition to Title 63, Chapter 46b, Utah Administrative Procedures Act, any adjudicative proceedings [required by]under the Powersport Vehicle Franchise Act shall be conducted in accordance with this rule and with the Department of Commerce Administrative Procedures Act Rule, R151-46b.

(3) Procedure for Substitution of Presiding Officer. In accordance with Section[s] 63-46b-2(1)(h)[and 13-35-107(2)], the Executive Director of the Department may upon his/her own motion substitute an administrative law judge as the presiding officer to conduct certain aspects of the adjudicative proceedings before the Board if he/she determines that fairness to the parties would not be compromised by such substitution. The substitution order shall give any party who feels that such substitution would compromise fairness an opportunity to request the Executive Director to reconsider the substitution by submitting written objections and supporting arguments to the Executive Director. Upon reconsideration, the Executive Director may leave the order intact or make such other orders as he/she deems appropriate.

(4) Submissions. Except as otherwise expressly required or permitted in this Rule or in the Powersport Vehicle Franchise Act, all correspondence or other submissions shall be directed to the Chair of the Utah Powersport Vehicle Franchise Advisory Board at the Utah Department of Commerce.

(5) Form of Pleadings. A notice of agency action by the agency shall comply with the requirements of the Utah Administrative Procedures Act, Section 63-46b-3(2). A request to commence an adjudicative proceeding pursuant to Section 13-35-107(1),[for approval of an act regulated by the Powersport Vehicle Franchise Act] shall be [commenced by the filing of]a pleading headed "BEFORE THE DEPARTMENT OF COMMERCE, UTAH POWERSPORT VEHICLE FRANCHISE ADVISORY BOARD" and captioned "Request for Agency Action." The pleading shall [be]substantially [in]compl[iance]y with the Utah Administrative Procedures Act, Section 63-46b-3(3), and the Department of Commerce Administrative Procedures Act Rule, R151-46b-7.

(6) Answer. If the presiding officer determines that an answer to any notice of agency action or request for agency action would be helpful to the proceedings, the presiding officer may order a party to the proceedings to file an answer.

(7) Memoranda. If the presiding officer determines that prehearing briefs would be helpful to the proceedings, the presiding officer may order the parties to submit memoranda in accordance with any scheduling order entered by the presiding officer.

(8) GRAMA. Any request[s] for records of the proceedings before the Board and the Executive Director will be governed by GRAMA (Government Records Access and Management Act), Utah Code Ann. Section 63-2-101 et seq. Any schedule of records classifications maintained by the Department shall be made available to the parties upon request.

R151-35-4. Registration.

(1) [Initial Registration. Each franchisor and franchisee doing business in this state]Each newly formed or otherwise not previously registered franchisor or franchisee shall request an initial registration form from the [Board]Department.[The Board will provide an initial registration form to each known franchisor and franchisee.]

(2) Annual Renewals. The [Board]Department [wi]shall provide a renewal form to each registered franchisor and franchisee at least 30 and not more than 60 days prior to the expiration of the current registration.

(3) A registrant may use the form provided by the [Board]Department as its initial or renewal registration or may submit a registration or renewal request in another format so long as that request contains the following information:

(a) Name of dealership/manufacturer;

(b) Address of dealership/manufacturer;

(c) Owners or stockholders and percentage of holding (5% or above only);

(d) Line-makes manufactured, distributed, or sold;

(e) If applicable, dealer number; and

(f) Name and address of person designated for the purpose of receiving notices or process pursuant to the provisions of the Powersport Vehicle Franchise Act.

(4) [At the option of the Board chair, t]The processing of an application for registration by the Department [staff]may be delayed for a reasonable time to give the registrant an opportunity to cure technical defects in an application for registration.

KEY: motorcycles, [dirt bikes]powersport vehicles, off road vehicles, franchises
Date of Enactment or Last Substantive Amendment: [June 17, 2003]2006
Authorizing, and Implemented or Interpreted Law: 13-35-101 et seq.

Environmental Quality, Air Quality
R307-101-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28545
FILED: 03/09/2006, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments is to clarify the general definitions that are used throughout the rules under R307. These amendments are 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). This change reproposes the changes in DAR No. 28319, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: In Section R307-101-2, amend the reference within the definition of "Allowable Emissions" to match the structure of the new 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 Rule 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 revised Rule R307-410. Delete the definition of "Air Quality Related Value" and Subsection R307-101-2(2) of the definition of "Significant" because they belong in the new Rule R307-405. Move the definition of "Baseline Date" from Section R307-101-2 to Rule R307-405. Because Rules R307-405 and R307-410 are being revised in response to public comments, they cannot be made effective until 05/02/2006 at the earliest, and thus are now on a different timetable from the original filing Section R307-101-2. The 120-day period for the changes to Section R307-101-2 under DAR No. 28319 will lapse on 04/01/2006; had they been made effective on that date, the definitions being moved from Section R307-101-2 to Rules R307-405 and R307-410 would be eliminated from Utah rules until Rules R307-405 and R307-410 are made effective in May. Because these definitions are important to Utah business, the Air Quality Board is reproposing the amendments in Section R307-101-2 so that it can remain in effect until the changes in Rules R307-405 and R307-410 can be made effective. A public hearing was held on the original proposal to amend Section R307-101-2 and no comments were received. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325, the change in proposed rule filed for Rule R307-405 is under DAR No. 28322, and the change in proposed rule filed for Rule R307-410 is under DAR No. 28323 in this issue. The filing on Section R307-101-2 under DAR No. 28319 lapsed on 04/01/2006.)

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

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: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected local governments.
❖ OTHER PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

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 at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

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.

. . . .

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"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
Date of Enactment or Last Substantive Amendment: [~~September 2, 2005~~]2006
Notice of Continuation: June 5, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-104

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.: 28544
FILED: 03/09/2006, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments is to clarify the applicability of this rule. These amendments are part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform." (See separate filing on Rule R307-401 in this issue). This change reproposes the changes in DAR No. 28321, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

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 proposal moves provisions of Section R307-325-3 to Subsection R307-401-8(1)(a) so that all permitting requirements are in one place. Contingency measures to be implemented if the ozone health standards are violated are currently located in Section R307-401-10; this proposal moves those provisions to Section R307-325-4 with other ozone regulations. Because Rule R307-401 is being revised in response to public comments, it cannot be made effective until 05/02/2006 at the earliest, and thus is now on a different timetable from Rule R307-325. The 120-day period for the changes proposed for Rule R307-325 (DAR No. 28321) lapsed on 04/01/2006; had they been made effective on that date, the provisions being moved from Rule R307-325 to Rule R307-401 would be eliminated from Utah rules until Rule R307-401 is made effective in May. Because these provisions are important to Utah business, the Air Quality Board is reproposing the amendments in Rule R307-325 so that they can remain in effect until the changes in Rule R307-401 can be made effective. A public hearing was held on the original proposal to amend Rule R307-325 and no comments were received. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325 in this issue. The filing on Rule R307-325 under DAR No. 28321 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-104 and 19-2-101

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: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected local governments.
❖ OTHER PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

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 at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

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[~~*~~]
Date of Enactment or Last Substantive Amendment: [~~September 15, 1998~~]2006
Notice of Continuation: August 1, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

♦ ——————————————————— ♦

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

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 28546
FILED: 03/09/2006, 11:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to move provisions from Rule R307-413 into 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. (See separate filing on Rule R307-401 in this issue). This change reproposes the changes in DAR No. 28324, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: The portions of Rule R307-413 that are being re-located to Rule R307-401, Sections R307-413-9 through R307-413-12 and R307-413-14 through R307-413-16. 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 were addressed in the Rule Analysis for Rule R307-401; see filing DAR No. 28325 published in the December 1, 2005, issue of the Bulletin. The repeal of Rule R307-413 will result in the following being removed from the rules: a) the flexibility provisions that were located in Section R307-413-3 are being 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; b) 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. Because Rule R307-401 is being revised in response to public comments, it cannot be made effective until 05/02/2006 at the earliest, and thus is now on a different timetable from Rule R307-413. The 120-day period for the proposed repeal of Rule R307-413 (DAR No. 28324) lapsed on 04/01/2006; had it been made effective on that date, the exemptions being moved from Rule R307-413 to Rule R307-401 would be eliminated from Utah rules until Rule R307-401 is made effective in May. Because the exemptions are important to Utah business, the Air Quality Board is

reproposing the repeal of Rule R307-413 so that it can remain in effect until the changes in Rule R307-401 can be made effective. A public hearing was held on the original proposal to repeal Rule R307-413 and no comments were received. This rule is repealed in its entirety. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325 in this issue. The filing on Rule R307-413 under DAR No. 28324 lapsed on 04/01/2006.)

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

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.
❖ 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.

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.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Changing the exemptions and moving them to R307-401 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:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

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*~~
~~Date of Enactment or Last Substantive Amendment: September 15, 1998~~
~~Notice of Continuation: August 1, 2003~~
~~Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108~~]

♦ ——————————— ♦

Environmental Quality, Radiation Control

R313-32

Medical Use of Radioactive Material

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28541
FILED: 03/08/2006, 11:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this change is to modify Utah's Radiation Control Rules to be compatible with Federal requirements found in 10 CFR 35.

SUMMARY OF THE RULE OR CHANGE: The modifications to Rule R313-32 (incorporating 10 CFR 35 (2006) by reference) are primarily to sections regarding training and experience requirements for individuals seeking approval to become authorized users (AUs), authorized medical physicists (AMPs), authorized nuclear pharmacists (ANPs), or radiation Safety Officers (RSOs). Specifically, modifications to the requirements that must be met as part of a specialty board's certification process for the specialty board's certification to be recognized by the U.S. Nuclear Regulatory Commission or an Agreement State have been made. In addition, the number of didactic hours of specific radiation safety training for an AU, an AMP, an ANP, or an RSO have been specified for those individuals who are not certified by an approved specialty board. The definition of the term, "preceptor," was modified and the requirements for preceptor statements were changed. A new section for limited training for individual AUs seeking approval for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries) was added.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR Part 35 (2006 edition)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Since the change is a modification to previously existing training and experience requirements, no additional regulatory requirements will need to be implemented by the state. Therefore, changes in the rules will not result in a cost or savings to the state budget.

❖ LOCAL GOVERNMENTS: The rule modification does not affect the local governments presently licensed under the rules under R313. Therefore, there will be no cost or savings for local governments.

❖ OTHER PERSONS: Because the proposed changes allow medical licensees flexibility in methods used to attain compliance with the rule, overall costs or savings to most affected persons will depend on their business practices and cannot be determined.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the proposed changes allow each specific medical licensee flexibility in methods used to attain compliance with the rule, overall costs or savings to most affected persons will depend on their business practices and cannot be determined.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Actual costs or savings are dependant on the business practices used and therefore, cannot be determined. Dianne R. Nielson, Executive Director

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gwyn Galloway at the above address, by phone at 801-536-4258, by FAX at 801-533-4097, or by Internet E-mail at ggalloway@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 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/10/2006

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.
R313-32. Medical Use of Radioactive Material.
R313-32-1. Purpose and Authority.

(1) The purpose of this rule is to prescribe requirements and provisions for the medical use of radioactive material and for issuance of specific licenses authorizing the medical use of this material. These requirements and provisions provide for the protection of the public health and safety. The requirements and provisions of Rule R313-32 are in addition to, and not in substitution for, other sections of Title R313.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4) and 19-3-104(8).

R313-32-2. Clarifications or Exceptions.

For the purposes of Rule R313-32, 10 CFR 35.2 through 35.7; and 35.10 through 35.3067 [(2004)](January 1, 2006) are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following:

(a) In 10 CFR 35.2, exclude definitions for "Address of Use," "Agreement State," "Area of Use," "Dentist," "Pharmacist," "Physician," "Podiatrist," and "Sealed Source"; and

(b) In 10 CFR 35.3067, exclude "with a copy to the Director, Office of Nuclear Material Safety and Safeguards."

(2) The substitution of the following date references:

(a) "October 25, 2006" for "October 25, [2004]2005";

(b) "October 24, 2006" for "October 24, [2004]2005";[and]

(c) "[the effective date of this rule]May 13, 2005" for "October 24, 2002"; and

(d) "May 10, 2006" for "April 29, 2005."

(3) The substitution of the following rule references:

(a) "Rule R313-15" for reference to "10 CFR Part 20" or for reference to "Part 20 of this chapter";

(b) "Rule R313-19" for reference to "Part 30 of this chapter" or for reference to "10 CFR Part 30" except for the reference to "Part 30 of this chapter" found in 10 CFR 35.65(d);

(c) "10 CFR 30" for reference to "Part 30 of this chapter" found in 10 CFR 35.65(d);

(d) "Rules R313-15 and R313-19" for reference to "parts 20 and 30 of this chapter";

(e) "Section R313-12-110" for reference to "Sec. 30.6 of this chapter" or for reference to "Sec. 30.6(a)" or for reference to "Sec. 30.6(a) of this chapter";

(f) "Section R313-15-101" for reference to "Sec. 20.1101 of this chapter";

(g) "Subsection R313-15-301(1)(a)" for reference to "Sec. 20.1301(a)(1) of this chapter";

(h) "Subsection R313-15-301(1)(c)" for reference to "Sec. 20.1301(c) of this chapter";

(i) "Section R313-15-501" for reference to "Sec. 20.1501 of this chapter";

(j) "Section R313-18-12" for reference to "Sec. 19.12 of this chapter";

(k) "Subsection R313-22-75(10) or equivalent U.S. Nuclear Regulatory Commission or Agreement State regulations" for reference to "Sec. 32.74 of this chapter," found in 10 CFR 35.65(b);

(l) "Subsection R313-22-75(10)" for reference to "10 CFR 32.74 of this chapter," or for reference to "Sec. 32.74 of this chapter" except for the reference to "Sec. 32.74 of this chapter" found in 10 CFR 35.65(b);

(m) "Rule R313-70" for reference to "Part 170 of this chapter";

(n) "Section R313-19-34(2)" for reference to "Sec. 30.34(b) of this chapter";

(o) "Rule R313-22" for reference to "Part 33 of this chapter";

(p) "Subsection R313-22-50(2)" for reference to "Sec. 33.13 of this chapter";

(q) "Subsection R313-22-75(9)(b)(iv)" for reference to "Sec. 32.72(b)(4)";[and]

(r) "Subsection R313-22-75(9)" for reference to "Sec. 32.72 of this chapter[.]"; and

(s) "(c)(1) or (c)(2)" for reference to "(c)(1)" in 10 CFR 35.50(d).

(4) The substitution of the following terms:

(a) "radioactive material" for reference to "byproduct material";[
(b) "final" for "draft";]

[(c)](b) "original" for "original and one copy";

[(d)](c) "(801) 536-4250 or after hours, (801) 536-4123" for "(301) 951-0550";

[(e)](d) "Form DRC-02, 'Application for Medical Use of Radioactive Material License'" for reference to "NRC Form 313, 'Application for Material License'";

[(f)](e) "State of Utah radioactive materials" for reference to "NRC" in 10 CFR 35.6(c);

[(g)](f) "the Executive Secretary, the U.S. Nuclear Regulatory Commission, or an Agreement State" for reference to "the Commission or Agreement State" or for reference to "the Commission or an Agreement State";

[(h)](g) "an Executive Secretary, the U.S. Nuclear Regulatory Commission, or an Agreement State" for reference to "a Commission or Agreement State";

[(i)](h) "Equivalent U.S. Nuclear Regulatory Commission or Agreement State" for reference to "equivalent Agreement State" as found in 10 CFR 35.63(b)(2)(i), 10 CFR 35.63(c)(3), 10 CFR 35.65(a), 10 CFR 35.100(a), 10 CFR 35.200(a), and 10 CFR 35.300(a);

[(j)](i) "Executive Secretary" for reference to "NRC Operations Center" in 10 CFR 3045(c) and 10 CFR 3047(c);

[(k)](j) "Utah Division of Radiation Control" for reference to "NRC Operations Center" in Footnote 3 to 10 CFR 35.3045;

[(l)](k) "Executive Secretary" for reference to "appropriate NRC Regional Office listed in Sec. 30.6 of this chapter";

[(m)](l) "Utah Radiation Control Board" for reference to "Commission" in 10 CFR 35.18(a)(3)(second instance) and 10 CFR 35.19;

[(n)](m) "Executive Secretary" for reference to "Commission" in 10 CFR 35.10(b), 10 CFR 35.12(d)(2), 10 CFR 35.14(a)(first instance), 10 CFR 35.14(b), 10 CFR 35.18(a), 10 CFR 35.18(a)(3)(first instance), 10 CFR 35.18(b), 10 CFR 35.24(a)(1), 10 CFR 35.24(c), 10 CFR 35.26(a), and 10 CFR 35.1000(b);

[(o)](n) "the Executive Secretary" for reference to "NRC" in 10 CFR 35.13(b)(4)(i), 10 CFR 35.3045(g)(1), and 10 CFR 35.3047(f)(1);

[(p)](o) "the U.S. Nuclear Regulatory Commission or an Agreement State" for reference to "an Agreement State" in 10 CFR 35.49(a) and 10 CFR 35.49(c); and

[(q)](p) "Executive Secretary, a U.S. Nuclear Regulatory Commission, or Agreement State" for reference to "NRC or Agreement State" in 10 CFR 35.63(b)(2)(ii), 10 CFR 35.100(c), 10 CFR 35.200(c), and 10 CFR 35.300(c).

KEY: radioactive materials, radiopharmaceutical, brachytherapy, nuclear medicine

Date of Enactment or Last Substantive Amendment: [May 13, 2005]2006

Notice of Continuation: October 10, 2001

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-3-108

Labor Commission, Adjudication
R602-2-1
Pleadings and Discovery

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28547
FILED: 03/10/2006, 09:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment allows submission of a reply memorandum in review proceedings before the Labor Commission or Appeals Board.

SUMMARY OF THE RULE OR CHANGE: In instances where a party has moved for Labor Commission or Appeals Board review of an administrative law judge's (ALJ) decision and an opposing party has responded to that motion for review, this amendment permits the moving party to submit a reply to the opposing party's response.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-301 et seq.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This amendment is procedural in nature and does not impose any additional burdens on the Labor Commission or other state agencies. The Commission anticipates no costs or savings to the state budget.
❖ LOCAL GOVERNMENTS: Local governments are only affected by this amendment in their capacity as litigants before the Labor Commission. The proposed amendment is procedural in nature and permits, but does not require, the filing of an additional memorandum in some cases. The Commission does not anticipate any additional costs or savings to local governments.
❖ OTHER PERSONS: As with local governments, other persons are only affected by this amendment in their capacity as litigants before the Labor Commission. The proposed amendment is procedural in nature and permits, but does not require, the filing of an additional memorandum in some cases. The Commission does not anticipate any additional costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this amendment does not impose any affirmative duties on affected persons, there are no compliance costs. The amendment merely permits parties who have chosen to request Commission or Appeals Board review to submit additional argument in support of their request.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment represents a procedural refinement to the Labor Commission's adjudicative process. The amendment is permissive in nature, rather than mandatory. As such, it will have no fiscal impact on businesses. R. Lee Ellertson, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
LABOR COMMISSION
ADJUDICATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Alan Hennebold at the above address, by phone at 801-530-6937, by FAX at 801-530-6390, or by Internet E-mail at ahennebold@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 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/02/2006

AUTHORIZED BY: R Lee Ellertson, Commissioner

R602. Labor Commission, Adjudication.
R602-2. Adjudication of Workers' Compensation and Occupational Disease Claims.
R602-2-1. Pleadings and Discovery.

A. Definitions.

1. "Commission" means the Labor Commission.

2. "Division" means the Division of Adjudication within the Labor Commission.

3. "Application for Hearing" means the request for agency action regarding a workers' compensation claim.

4. "Supporting medical documentation" means a Summary of Medical Record or other medical report or treatment note completed by a physician that indicates the presence or absence of a medical causal connection between benefits sought and the alleged industrial injury.

5. "Authorization to Release Medical Records" is a form authorizing the injured workers' medical providers to provide medical records and other medical information to the commission or a party.

6. "Supporting documents" means supporting medical documentation, list of medical providers, Authorization to Release Medical Records and, when applicable, an Appointment of Counsel Form.

7. "Petitioner" means the person or entity who has filed an Application for Hearing.

8. "Respondent" means the person or entity against whom the Application for Hearing was filed.

9. "Discovery motion" includes a motion to compel or a motion for protective order.

B. Application for Hearing.

1. Whenever a claim for compensation benefits is denied by an employer or insurance carrier, the burden rests with the injured worker, or medical provider, to initiate agency action by filing an Application for Hearing with the Division. Applications for hearing shall include an original, notarized Authorization to Release Medical Records.

2. An employer, insurance carrier, or any other party with standing under the Workers' Compensation Act may obtain a hearing before the Adjudication Division by filing a request for agency action with the Division.

3. All Applications for Hearing shall include any available supporting medical documentation of the claim where there is a dispute over medical issues. Applications for Hearing without supporting documentation and a properly completed Authorization to Release Medical Records may not be mailed to the employer or insurance carrier for answer until the appropriate documents have been provided.

In addition to respondent's answer, a respondent may file a motion to dismiss the Application for Hearing where there is no supporting medical documentation filed to demonstrate medical causation when such is at issue between the parties.

4. When an Application for Hearing with appropriate supporting documentation is filed with the Division, the Division shall forthwith mail to the respondents a copy of the Application for Hearing, supporting documents and Notice of Formal Adjudication and Order for Answer.

5. In cases where the injured worker is represented by an attorney, a completed and signed Appointment of Counsel form shall be filed with the Application for Hearing or upon retention of the attorney.

C. Answer.

1. The respondent(s) shall have 30 days from the date of mailing of the Order for Answer, to file a written answer to the Application for Hearing.

2. The answer shall admit or deny liability for the claim and shall state the reasons liability is denied. The answer shall state all affirmative defenses with sufficient accuracy and detail that the petitioner and the Division may be fully informed of the nature and substance of the defenses asserted.

3. All answers shall include a summary of benefits which have been paid to date on the claim, designating such payments by category, i.e. medical expenses, temporary total disability, permanent partial disability, etc.

4. When liability is denied based upon medical issues, copies of all available medical reports sufficient to support the denial of liability shall be filed with the answer.

5. If the answer filed by the respondents fails to sufficiently explain the basis of the denial, fails to include available medical reports or records to support the denial, or contains affirmative defenses without sufficient factual detail to support the affirmative defense, the Division may strike the answer filed and order the respondent to file within 20 days, a new answer which conforms with the requirements of this rule.

6. All answers must state whether the respondent is willing to mediate the claim.

7. Petitioners are allowed to timely amend the Application for Hearing, and respondents are allowed to timely amend the answer, as newly discovered information becomes available that would warrant the amendment. The parties shall not amend their pleadings later than 45 days prior to the scheduled hearing without leave of the Administrative Law Judge.

8. Responses and answers to amended pleadings shall be filed within ten days of service of the amended pleading without further order of the Labor Commission.

D. Default.

1. If a respondent fails to file an answer as provided in Subsection C above, the Division may enter a default against the respondent.

2. If default is entered against a respondent, the Division may conduct any further proceedings necessary to take evidence and determine the issues raised by the Application for Hearing without the participation of the party in default pursuant to Section 63-46b-11(4), Utah Code.

3. A default of a respondent shall not be construed to deprive the Employer's Reinsurance Fund or Uninsured Employers' Fund of any appropriate defenses.

4. The defaulted party may file a motion to set aside the default under the procedures set forth in Section 63-46b-11(3), Utah Code. The Adjudication Division shall set aside defaults upon written and signed stipulation of all parties to the action.

E. Waiver of Hearing.

1. The parties may, with the approval of the administrative law judge, waive their right to a hearing and enter into a stipulated set of facts, which may be submitted to the administrative law judge. The administrative law judge may use the stipulated facts, medical records and evidence in the record to make a final determination of liability or refer the matter to a Medical Panel for consideration of the medical issues pursuant to R602-2-2.

2. Stipulated facts shall include sufficient facts to address all the issues raised in the Application for Hearing and answer.

3. In cases where Medical Panel review is required, the administrative law judge may forward the evidence in the record, including but not limited to, medical records, fact stipulations, radiographs and deposition transcripts, to a medical panel for assistance in resolving the medical issues.

F. Discovery.

1. Upon filing the answer, the respondent and the petitioner may commence discovery. Discovery allowed under this rule may include interrogatories, requests for production of documents, depositions, and medical examinations. Discovery shall not include requests for admissions. Appropriate discovery under this rule shall focus on matters relevant to the claims and defenses at issue in the case. All discovery requests are deemed continuing and shall be promptly supplemented by the responding party as information comes available.

2. Without leave of the administrative law judge, or written stipulation, any party may serve upon any other party written interrogatories, not exceeding 25 in number, including all discrete subparts, to be answered by the party served. The frequency or extent of use of interrogatories, requests for production of documents, medical examinations and/or depositions shall be limited by the administrative law judge if it is determined that:

a. The discovery sought is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive;

b. The party seeking discovery has had ample opportunity by discovery in the action to obtain the discovery sought; or

c. The discovery is unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the adjudication.

3. Upon reasonable notice, the respondent may require the petitioner to submit to a medical examination by a physician of the respondent's choice.

4. All parties may conduct depositions pursuant to the Utah Rules of Civil Procedure and Section 34A-1-308, Utah Code.

5. Requests for production of documents are allowed, but limited to matters relevant to the claims and defenses at issue in the case, and shall not include requests for documents provided with the petitioner's Application for Hearing, nor the respondents' answer.

6. Parties shall diligently pursue discovery so as not to delay the adjudication of the claim. If a hearing has been scheduled, discovery motions shall be filed no later than 45 days prior to the hearing unless leave of the administrative law judge is obtained.

7. Discovery motions shall contain copies of all relevant documents pertaining to the discovery at issue, such as mailing certificates and follow up requests for discovery. The responding party shall have 10 days from the date the discovery motion is mailed to file a response to the discovery motion.

8. Parties conducting discovery under this rule shall maintain mailing certificates and follow up letters regarding discovery to submit in the event Division intervention is necessary to complete discovery.

Discovery documents shall not be filed with the Division at the time they are forwarded to opposing parties.

9. Any party who fails to obey an administrative law judge's discovery order shall be subject to the sanctions available under Rule 37, Utah Rules of Civil Procedure.

G. Subpoenas.

1. Commission subpoena forms shall be used in all discovery proceedings to compel the attendance of witnesses. All subpoenas shall be signed by the administrative law judge assigned to the case, or the duty judge where the assigned judge is not available. Subpoenas to compel the attendance of witnesses shall be served at least 14 days prior to the hearing consistent with Utah Rule of Civil Procedure 45. Witness fees and mileage shall be paid by the party which subpoenas the witness.

2. A subpoena to produce records shall be served on the holder of the record at least 14 days prior to the date specified in the subpoena as provided in Utah Rule of Civil Procedure 45. All fees associated with the production of documents shall be paid by the party which subpoenas the record.

H. Medical Records Exhibit.

1. The parties are expected to exchange medical records during the discovery period.

2. Petitioner shall submit all relevant medical records contained in his/her possession to the respondent for the preparation of a joint medical records exhibit at least twenty (20) working days prior to the scheduled hearing.

3. The respondent shall prepare a joint medical record exhibit containing all relevant medical records. The medical record exhibit shall include all relevant treatment records that tend to prove or disprove a fact in issue. Hospital nurses' notes, duplicate materials, and other non-relevant materials need not be included in the medical record exhibit.

4. The medical records shall be indexed, paginated, arranged by medical care provider in chronological order and bound.

5. The medical record exhibit prepared by the respondent shall be delivered to the Division and the petitioner or petitioner's counsel at least ten (10) working days prior to the hearing. Late-filed medical records may or may not be admitted at the discretion of the administrative law judge by stipulation or for good cause shown.

6. The administrative law judge may require the respondent to submit an additional copy of the joint medical record exhibit in cases referred to a medical panel.

7. The petitioner is responsible to obtain radiographs and diagnostic films for review by the medical panel. The administrative law judge shall issue subpoenas where necessary to obtain radiology films.

I. Hearing.

1. Notices of hearing shall be mailed to the addresses of record of the parties. The parties shall provide current addresses to the Division for receipt of notices or risk the entry of default and loss of the opportunity to participate at the hearing.

2. Judgment may be entered without a hearing after default is entered or upon stipulation and waiver of a hearing by the parties.

3. No later than 45 days prior to the scheduled hearing, all parties shall file a signed pretrial disclosure form that identifies: (1) fact witnesses the parties actually intend to call at the hearing; (2) expert witnesses the parties actually intend to call at the hearing; (3) language translator the parties intend to use at the hearing; (4) exhibits, including reports, the parties intend to offer in evidence at the hearing; (5) the specific benefits or relief claimed by the petitioner; (6) the specific defenses that the respondent actually intends to litigate; (7) whether, or not, a party anticipates that the case will take more than four hours of hearing time; (8) the job categories or titles the respondents claim the petitioner is capable of performing if the claim is for permanent total disability, and; (9) any other issues that the parties intend to ask the administrative law judge to adjudicate. The administrative law judge may exclude witnesses, exhibits, evidence, claims, or defenses as appropriate of any party who fails to timely file a signed pre-trial disclosure form as set forth above. The parties shall supplement the pre-trial disclosure form with information that newly becomes available after filing the original form. The pre-trial disclosure form does not replace other discovery allowed under these rules.

4. If the petitioner requires the services of language translation during the hearing, the petitioner has the obligation of providing a person who can translate between the petitioner's native language and English during the hearing. If the respondents are dissatisfied with the proposed translator identified by the petitioner, the respondents may provide a qualified translator for the hearing at the respondent's expense.

5. The petitioner shall appear at the hearing prepared to outline the benefits sought, such as the periods for which compensation and medical benefits are sought, the amounts of unpaid medical bills, and a permanent partial disability rating, if applicable. If mileage reimbursement for travel to receive medical care is sought, the petitioner shall bring documentation of mileage, including the dates, the medical provider seen and the total mileage.

6. The respondent shall appear at the hearing prepared to address the merits of the petitioner's claim and provide evidence to support any defenses timely raised.

7. Parties are expected to be prepared to present their evidence on the date the hearing is scheduled. Requests for continuances may be granted or denied at the discretion of the administrative law judge for good cause shown. Lack of diligence in preparing for the hearing shall not constitute good cause for a continuance.

8. Subject to the continuing jurisdiction of the Labor Commission, the evidentiary record shall be deemed closed at the conclusion of the hearing, and no additional evidence will be accepted without leave of the administrative law judge.

J. Motions-Time to Respond.

Responses to all motions other than discovery motions shall be filed within ten (10) days from the date the motion was filed with the Division. Reply memoranda shall be filed within seven (7) days from the date a response was filed with the Division.

K. Notices.

1. Orders and notices mailed by the Division to the last address of record provided by a party are deemed served on that party.

2. Where an attorney appears on behalf of a party, notice of an action by the Division served on the attorney is considered notice to the party represented by the attorney.

L. Form of Decisions.

Decisions of the presiding officer in any adjudicative proceeding shall be issued in accordance with the provisions of Section 63-46b-5 or 63-46b-10, Utah Code.

M. Motions for Review.

1. Any party to an adjudicative proceeding may obtain review of an Order issued by an Administrative Law Judge by filing a written request for review with the Adjudication Division in accordance with the provisions of Section 63-46b-12 and Section 34A-1-303, Utah Code. Unless a request for review is properly filed, the Administrative Law Judge's Order is the final order of the Commission. If a request for review is filed, other parties to the adjudicative proceeding may file a response within 20 calendar days of the date the request for review

was filed. If such a response is filed, the party filing the original request for review may reply within 10 calendar days of the date the response was filed. Thereafter the Administrative Law Judge shall:

a. Reopen the case and enter a Supplemental Order after holding such further hearing and receiving such further evidence as may be deemed necessary;

b. Amend or modify the prior Order by a Supplemental Order; or

c. Refer the entire case for review under Section 34A-2-801, Utah Code.

2. If the Administrative Law Judge enters a Supplemental Order, as provided in this subsection, it shall be final unless a request for review of the same is filed.

N. Procedural Rules.

In formal adjudicative proceedings, the Division shall generally follow the Utah Rules of Civil Procedure regarding discovery and the issuance of subpoenas, except as the Utah Rules of Civil Procedure are modified by the express provisions of Section 34A-2-802, Utah Code or as may be otherwise modified by these rules.

O. Requests for Reconsideration and Petitions for Judicial Review.

A request for reconsideration of an Order on Motion for Review may be allowed and shall be governed by the provisions of Section 63-46b-13, Utah Code. Any petition for judicial review of final agency action shall be governed by the provisions of Section 63-46b-14, Utah Code.

KEY: workers' compensation, administrative procedures, hearings, settlements
Date of Enactment or Last Substantive Amendment: [~~November 15, 2005~~]2006
Notice of Continuation: September 5, 2002
Authorizing, and Implemented or Interpreted Law: 34A-1-301 et seq.; 63-46b-1 et seq.

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Labor Commission, Occupational Safety and Health

R614-1-4

Incorporation of Federal Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28548
FILED: 03/10/2006, 11:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment incorporates recent changes to the federal Occupational Safety and Health Administration (OSHA) regulations regarding steel erection. In particular, the new OSHA regulation eliminates a prior requirement that skeletal steel surfaces be coated with a slip-resistant covering. OSHA itself has never enforced this requirement and is now repealing the requirement because no satisfactory slip-resistant coatings are actually available for use.

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates by reference federal OSHA's final rule: Slip Resistance of Skeletal Structural Steel, (71 FR 2879 through 2885), which removes what was formerly Section 1926.754, paragraph (c)(3), as well as Appendix B, Subpart R, thereby repealing the requirement that skeletal steel surfaces be coated with slip-resistance coverings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 34A, Chapter 6

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 71 FR 2879 through 2885, "Steel Erection: Slip Resistance of Skeletal Structural Steel; Final Rule"

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Although this amendment removes the requirement for use of slip-resistant coatings on skeletal steel surfaces, that requirement has not been implemented in the construction industry or enforced by regulatory agencies, simply because no suitable slip-resistant coatings exist. Consequently, there will be no cost or savings to the state budget, either with respect to state-financed construction projects or with respect to costs of regulatory enforcement.

❖ LOCAL GOVERNMENTS: Although this amendment removes the requirement for use of slip-resistant coatings on skeletal steel surfaces, that requirement has not been implemented in the construction industry or enforced by regulatory agencies, simply because no suitable slip-resistant coatings exist. Consequently, there will be no cost or savings to local government with respect to their construction projects.

❖ OTHER PERSONS: Although this amendment removes the requirement for use of slip-resistant coatings on skeletal steel surfaces, that requirement has not been implemented in the construction industry or enforced by regulatory agencies, simply because no suitable slip-resistant coatings exist. Consequently, there will be no cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment removes an existing, but unenforced, requirement regarding skeletal steel construction. The amendment imposes no affirmative obligations on affected persons. Therefore, the amendment imposes no compliance costs on affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment removes OSHA's former regulatory requirement that slip-resistant coatings be used in skeletal steel construction. OSHA is removing this requirement because no appropriate slip-resistant coatings actually exist. For that same reason, the construction industry has never implemented the requirement. Because the former requirement was never implemented or enforced, repeal of the requirement will have no fiscal impact on business. R. Lee Ellertson, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:
William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@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 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/02/2006

AUTHORIZED BY: R Lee Ellertson, Commissioner

R614. Labor Commission, Occupational Safety and Health.
R614-1. General Provisions.
R614-1-4. Incorporation of Federal Standards.

A. General Industry Standards.

1. Sections 29 CFR 1910.21 to 1910.999 and 1910.1000 through the end of part 1910 of the July 1, 2005, edition are incorporated by reference.

2. 29 CFR 1908, July 1, 2005, is incorporated by reference.

3. 29 CFR 1904, July 1, 2005, is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of the July 1, 2005, edition is incorporated by reference.

2. FR Vol. 71, No. 11, Wednesday, January 18, 2006, Pages 2879 to and including 2885, "Steel Erection: Slip Resistance of Skeletal Structural Steel; Final Rule" is incorporated by reference.

KEY: safety
Date of Enactment or Last Substantive Amendment: [August 2, 2005]2006
Notice of Continuation: November 25, 2002
Authorizing, and Implemented or Interpreted Law: 34A-6

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

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

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

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends May 1, 2006. At its option, the agency may hold public hearings.

From the end of the waiting period through July 30, 2006, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and Professional Licensing
R156-77
Direct-Entry Midwife Act Rules

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 28294
Filed: 03/09/2006, 11:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and further review by the Division, Licensed Direct-Entry Midwife Board and Licensed Direct-Entry Midwife Temporary Rules Committee, amendments are being proposed to the rule.

SUMMARY OF THE RULE OR CHANGE: In Section R156-77-102, added a definition for an "appropriate provider" which is based on level of education and scope of practice. Remaining subsections have been renumbered. In Section R156-77-601, amendments are made to the practice standards by including more symptoms/problems or moving a symptom/problem to a different category of a practice standard. For example, several problems were moved from transfer (which is waiveable by the client to mandatory transfer such as a client with HIV or AIDS). In Section R156-77-602, additions were made in Subsection R156-77-602(2) to further clarify the responsibility of the licensed direct-entry midwife (LDEM) who is transferring the care of a client to another provider. The LDEM should travel with the client if possible and should make a reasonable effort to convey client information to the accepting provider. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the November 15, 2005, issue of the Utah State Bulletin, on page 14. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 58-1-106(1)(a), 58-1-202(1)(a), 58-77-202(4), and 58-77-601(2)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No additional costs are anticipated as a result of these proposed amendments beyond those previously identified in the original rule filing.
❖ LOCAL GOVERNMENTS: No fiscal impact on local governments is anticipated because local governments would not need to seek direct-entry midwife licensure or the services of a licensed direct-entry midwife.
❖ OTHER PERSONS: No additional costs or savings are anticipated as a result of these proposed amendments beyond those previously identified in the original rule filing for persons applying for licensure as a direct-entry midwife. The proposed amendments do however increase the number and type of problems with respect to a client that must be transferred to another appropriate provider. The cost to the client would increase in this situation because a home birth would no longer be an option. The Division is not able to determine an exact increase in costs to a client as the costs would depend on numerous variable factors.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional costs or savings are anticipated as a result of these proposed amendments beyond those previously identified in the original rule filing for persons applying for licensure as a direct-entry midwife. The proposed amendments do however increase the number and type of problems with respect to a client that must be transferred to another appropriate provider. The cost to the client would increase in this situation because a home birth would no longer be an option. The Division is not able to determine an exact increase in costs to a client as the costs would depend on numerous variable factors.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The original rule filing adopted standards to administer the Direct-Entry Midwife Act, which was adopted by H.B. 25 in the 2005 Legislative Session. The costs associated with the rules were indicated in the rule summary and were part of the fiscal impact statement to H.B. 25. This rule filling, a change in proposed rule, takes into consideration various comments from the industry. No additional fiscal impact to businesses is anticipated as a result of this filing. Francine A. Giani, Executive Director (DAR NOTE: H.B. 25 is found at Chapter 299, Laws of Utah 2005, and was effective 05/02/2005.)

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 05/01/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
4/14/2006 at 1:00 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 4B, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 05/02/2006

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-77. Direct-Entry Midwife Act Rules.
R156-77-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 77, as used in Title 58, Chapter 77 or these rules:

(1) "Accredited school", as used in these rules, includes any midwifery school that has been granted pre-accredited status by MEAC.

(2) "Apgar score", as used in Section R156-77-601, means an index used to evaluate the condition of a newborn based on a rating of 0, 1, or 2 for each of the five characteristics of color, heart rate, response to stimulation of the sole of the foot, muscle tone, and respiration with 10 being a perfect score.

(3) "Appropriate provider", as used in Sections R156-77-601 and 602, means a licensed provider who is an appropriate contact person based on the provider's level of education and scope of practice.

([~~3~~]4) "Collaborate", as used in Section R156-77-601, means the process by which an LDEM and another licensed health care provider jointly manage a specific condition of a client according to a mutually agreed-upon plan of care. The LDEM continues midwifery management of the client and may follow through with the medical management as agreed upon with the provider.

([~~4~~]5) "Consultation", as used in Section R156-77-601, means the process by which the LDEM discusses client status with an appropriate licensed health care provider by phone, written note, or in person. The provider may give a recommendation for management, but does not assume the management of the client.

([~~5~~]6) "CPR", as used in these rules, means cardiopulmonary resuscitation.

([~~6~~]7) "LDEM", as used in these rules, means a licensed direct entry midwife licensed under Title 58, Chapter 77.

([~~7~~]8) "MANA", as used in these rules, means the Midwives Alliance of North America.

([~~8~~]9) "MEAC", as used in these rules, means the Midwifery Education Accreditation Council.

([~~9~~]10) "Midwifery Care", as used in these rules, has the same meaning as the practice of direct-entry midwifery as defined in Subsection 58-77-102(7).

([~~10~~]11) "NARM", as used in these rules, means the North American Registry of Midwives.

([~~11~~]12) "Refer", as used in Section R156-77-601, means the process by which an LDEM directs the client to an appropriate licensed health care provider for management of a specific condition. The LDEM continues midwifery management of the client.

([~~12~~]13) "Transfer", as used in Section R156-77-601, means the process by which an LDEM relinquishes management of a client to an appropriate licensed health care provider. The LDEM may provide on-going support services as appropriate.

([~~13~~]14) "Unprofessional conduct," as defined in Title 58 Chapters 1 and 77, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-77-502.

R156-77-601. Standards of Practice.

Except as provided in Subsection 58-77-601(3)(b), and in accordance with Subsection 58-77-601(2), the standards and circumstances that require an LDEM to recommend and facilitate consultation, collaboration, referral, transfer, or mandatory transfer of client care are established herein. These standards are at a minimum level and are hierarchical in nature. If the standard requires at least consultation for a condition, an LDEM may choose to collaborate, refer, or transfer the care of the client.

(1) Consultation:
(a) antepartum:
(i) suspected intrauterine growth [~~retardation~~]restriction;
(ii) [~~changes in the breasts not related to pregnancy~~]mild preeclampsia defined as a sustained diastolic blood pressure of 90 mm or greater in two readings at least six hours apart and 1+ to 2+ proteinurea;
(iii) significant vaginal bleeding inconsistent with normal pregnancy or miscarriage;
(iv) hyperemesis unresponsive to LDEM treatment;
(v) pain unrelated to common discomforts of pregnancy;
(vi) presence of condylomata that may obstruct delivery;
(vii) anemia unresponsive to LDEM treatment;
(viii) history of genital herpes;
(ix) suspected fetal demise;
(x) suspected multiple gestation;
(xi) confirmed chromosomal or genetic aberrations;
(xii) hepatitis C; and
(xiii) any other condition in the judgment of the LDEM requires consultation.

(2) Collaborate:
(a) antepartum:
(i) infection not responsive to LDEM treatment;
(ii) seizure disorder affecting the pregnancy;
(iii) history of cervical incompetence with surgical therapy;
(iv) third trimester genital herpes outbreak;
(v) moderate [~~preeclampsia or~~]pregnancy induced hypertension defined as a sustained diastolic blood pressure of between 100 mm and 110 mm in two readings at least six hours apart;[~~ and~~]
(vi) persistent oligohydramnios or polyhydramnios; and
(vii) any other condition in the judgment of the LDEM requires collaboration;
(b) postpartum:
(i) infection not responsive to LDEM treatment; and
(ii) any other condition in the judgment of the LDEM requires collaboration.

(3) Refer:
(a) antepartum:
(i) thyroid disease;
(ii) [~~human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)~~]changes in the breasts not related to pregnancy or lactation;
(iii) severe psychiatric illness responsive to treatment;
(iv) [~~persistent oligohydramnios or polyhydramnios;~~
~~(v)~~]heart disease that has been determined by a cardiologist to have potential to affect or to be affected by pregnancy, labor, or delivery; and
(v[~~i~~]) any other condition in the judgment of the LDEM requires referral;
(b) postpartum:
(i) bladder dysfunction;
(ii) severe depression; and
(iii) any other condition in the judgment of the LDEM requires referral;
(c) newborn:
(i) birth injury requiring on-going care;
(ii) minor congenital anomaly;
(iii) jaundice beyond physiologic levels;

(iv) [~~failure to thrive~~]loss of 15% of birth weight;

(v) inability to suck or feed; and

(vi) any other condition in the judgment of the LDEM requires referral.

(4) Transfer, however may be waived in accordance to Subsection 58-77-601(3)(b):

(a) antepartum:

(i) current drug or alcohol abuse;

(ii) [~~mono-amniotic multiple gestation;~~

~~(iii) twin-to-twin transfusion syndrome;~~

~~(iv)~~]greater than a one and one-half pound estimated weight discrepancy between fetuses in a multiple gestation;

([~~v~~]iii) current diagnosis of cancer;

([~~vi~~]iv) Rh isoimmunization;

(v[~~ii~~]) confirmed intrauterine growth [~~retardation~~]restriction;

(vi[~~ii~~]) insulin-dependent diabetes;[~~ and~~]

(vii) gestation greater than 43 weeks; and

([~~ix~~]viii) any other condition in the judgment of the LDEM may require transfer;

(b) intrapartum:

(i) suspected chorioamnionitis;

(ii) non-reassuring fetal heart rate pattern indicative of fetal distress that does not respond to LDEM treatment;

(iii) visible genital lesions suspicious of herpes virus infection;

(iv) moderate hypertension;[~~ and~~]

(v) excessive vomiting, dehydration, acidosis, or exhaustion unresponsive to LDEM treatment; and

(vi) any other condition in the judgment of the LDEM may require transfer;

(c) postpartum:

(i) retained placenta; and

(ii) any other condition in the judgment of the LDEM may require transfer;

(d) newborn:

(i) gestational age assessment less than thirty-six (36) weeks;

(ii) major congenital anomaly not diagnosed prenatally;

(iii) persistent hyperthermia or hypothermia unresponsive to LDEM treatment; and

(iv) any other condition in the judgment of the LDEM may require transfer.

(5) Mandatory transfer:

(a) antepartum:

(i) severe preeclampsia or pregnancy induced hypertension;

(ii) eclampsia or hemolysis, elevated liver enzymes, and low platelets syndrome (HELLP);

(iii) documented platelet count less than 75,000 platelets per mm^3 of blood;

(iv) [~~complete placenta previa at week 36 or greater; and~~]diagnosed partial placenta previa at week 36, or complete placenta previa at 32 weeks;

(v) confirmed ectopic pregnancy;

(vi) severe psychiatric illness non-responsive to treatment;

(vii) human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS);

(viii) mono-amniotic multiple gestation;

(ix) twin-to-twin transfusion syndrome; and

([~~v~~]x) any other condition in the judgment of the LDEM must be transferred;

(b) intrapartum:

(i) signs of uterine rupture;

(ii) presentation(s) not compatible with spontaneous vaginal delivery;

(iii) progressive labor prior to 36 weeks gestation except miscarriages, confirmed fetal death, or congenital anomalies incompatible with life;

(iv) prolapsed umbilical cord unless birth is imminent;

(v) clinically significant abdominal pain inconsistent with normal labor;

(vi) seizure;

(vii) complete placenta previa; and

(viii) any other condition in the judgment of the LDEM must be transferred;

(c) postpartum:

(i) uncontrolled hemorrhage;

(ii) maternal shock that is unresponsive to LDEM treatment;

(iii) [~~postpartum psychosis~~]severe psychiatric illness non-responsive to treatment;

(iv) signs of deep vein thrombosis or pulmonary embolism; and

(v) any other condition in the judgment of the LDEM must be transferred;

(d) newborn:

(i) non-transient respiratory distress;

(ii) non-transient pallor or central cyanosis;

(iii) Apgar score at ten minutes of less than six;

(iv) [~~full CPR for greater than two minutes~~]low heart rate of less than 60 beats per minute after one complete neonatal resuscitation cycle;

(v) absent heart rate except with confirmed fetal death or congenital anomalies incompatible with life, or shoulder dystocia resulting in death;

(vi) hemorrhage;

(vii) seizure;

(viii) persistent hypertonia, lethargy, flaccidity or irritability, or jitteriness;

([~~viii~~]ix) inability to urinate or pass meconium within the first 48 hours of life; and

([~~i~~]x) any other condition in the judgment of the LDEM must be transferred.

R156-77-602. Procedures for the Termination of Midwifery Care.

(1) The procedure to terminate midwifery care for a client who has been informed that she has or may have a condition indicating the need for medical consultation, collaboration, referral, or transfer is established herein:

(a) provide no fewer than three business days written notice, unless an emergency, during which the LDEM shall continue to provide midwifery care, to enable the client to select another licensed health care provider;

(b) provide a referral; and

(c) document the termination of care in the client's records.

(2) The procedure to terminate midwifery care to a client who has been informed that she has or may have a condition indicating the need for mandatory transfer is established herein[~~.~~]:

(a) have the client sign a release of care indicating the LDEM has terminated providing midwifery care as of a specific date and time; or

(b) verbally instruct the client of the termination of midwifery care and document said instruction in the client record;

(c) make a reasonable effort to convey significant information regarding the client's condition to the receiving provider; and

(d) if possible, when transferring the client by ambulance or private vehicle, the LDEM accompanies the client.

KEY: licensing, midwife, direct-entry midwife
Date of Enactment or Last Substantive Amendment: [~~2005~~]2006
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-77-202(4); 58-77-601(2)

♦ ——————————————————— ♦

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

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 28320
Filed: 03/09/2006, 11:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to change the date of adoption by the Air Quality Board.

SUMMARY OF THE RULE OR CHANGE: When the rule was proposed for public comment, it was expected that the Air Quality Board would adopt it on February 1, 2006. Instead, adoption was postponed until March 1, 2006. This change amends the date. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the December 1, 2005, issue of the Utah State Bulletin, on page 12. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Because the original proposal clarified definitions without creating any new requirements and thus did not change the costs of the existing rule, postponing adoption for one month makes no change in costs to the state budget.

❖ LOCAL GOVERNMENTS: Because the original proposal clarified definitions without creating any new requirements and thus did not change the costs of the existing rule, postponing adoption for one month makes no change in costs to local governments.

❖ OTHER PERSONS: Because the original proposal clarified definitions without creating any new requirements and thus did not change the costs of the existing rule, postponing adoption for one month makes no change in costs to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the original proposal clarified definitions without creating any new requirements and thus did not change the costs of the existing rule, postponing adoption for one month makes no change in costs to other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change in the date of adoption has no fiscal impact on businesses, because the original proposal did not create any new requirements or change the cost of implementing the rule. 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 at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

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 [~~February 1~~]March 8, 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
Date of Enactment or Last Substantive Amendment: 2006
Notice of Continuation: September 7, 2005
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

♦ ——————————————————— ♦

Environmental Quality, Air Quality
R307-401
Permit: New and Modified Sources

NOTICE OF CHANGE IN PROPOSED RULE
DAR File No.: 28325
Filed: 03/09/2006, 10:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to make changes in response to public comments.

SUMMARY OF THE RULE OR CHANGE: The following changes are made in response to public comments: 1) cross references within Subsections R307-401-15(1)(b), R307-401-16(2), R307-401-9(4), and Section R307-401-17 are corrected; 2) in Subsection R307-401-14(3), "his representative" is changed to "executive secretary's representative"; 3) in Sections R307-401-1 and R307-401-4, replaces "source" and "sources" with "installation" and "installations" to be consistent with the Utah Air Conservation Act (Title 19, Chapter 2, of the Utah Code) and to ensure no change in the applicability provision of Rule R307-401; 4) replaces "a source" in Section R307-401-1 with "owner or operator"; and 5) in Subsection R307-401-5(1), replaces "the owner or operator of any stationary source" with "any person" to ensure consistency with the Utah Air Conservation Act and to ensure no change in the applicability provisions. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and reenactment that was published in the December 1, 2005, issue of the Utah State Bulletin, on page 14. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q) and Section 19-2-108

ANTICIPATED COST OR SAVINGS TO:
- ❖ THE STATE BUDGET: The changes correct the original proposal but make no change in costs to the state budget.
- ❖ LOCAL GOVERNMENTS: The changes correct the original proposal but make no change in costs to local government budgets.
- ❖ OTHER PERSONS: The changes correct the original proposal but make no change in costs to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes correct the original proposal but make no change in costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes correct the original proposal and have no fiscal impact on 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:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-401. Permit: New and Modified Sources.
R307-401-1. Purpose.

This rule establishes the application and permitting requirements for new [~~sources~~]installations and modifications to existing [~~sources~~]installations throughout the State of Utah. Additional permitting requirements apply to larger [~~sources or sources~~]installations or installations 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~~]the owner or operator must comply with all of the requirements that apply to the [~~source~~]installation. 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~~]combustion 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~~]installations, including [~~sources~~]installations that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on [~~a source~~]an installation shall be adequately and properly maintained.

(2) If the executive secretary determines that an exempted [~~source~~]installation 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~~]owner or operator 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~~]any person 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.

(3) Notwithstanding the exemption in R307-401-9 through 16, any person that is subject to R307-403, R307-405, or R307-406 shall submit a notice of intent to the executive secretary and receive an approval order prior to intiation of construction, modification, or relocation.

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 R307-401-1[~~6~~]7, Temporary Relocation.

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~~]the executive secretary's 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]5(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]5(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 R307-401-1[~~6~~]7.

KEY: air pollution, permits, approval orders
Date of Enactment or Last Substantive Amendment: 2006
Notice of Continuation: August 11, 2003
Authorizing, and Implemented or Interpreted Law: 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 CHANGE IN PROPOSED RULE
DAR File No.: 28322
Filed: 03/09/2006, 11:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to make changes in response to public comments.

SUMMARY OF THE RULE OR CHANGE: The following changes are made in response to public comments: 1) adds the definition of "Air Quality Related Values," which was previously located in Rule R307-401 (see DAR No. 28325 in the December 1, 2005, Bulletin). It is more appropriately included in Rule R307-405; 2) deletes Subsections R307-405-3(3)(c)(ii)(H) and (I), because the subsections of 40 CFR referenced in (H) and (I) are not being incorporated by reference; 3) deletes Subsection R307-405-19(2)(b), as Section R307-415-7i is not equivalent to 40 CFR 70.4(b)(3)(viii), and should not be substituted for it; and 4) adds Subsection R307-405-2(3) to clarify that any source subject to Rule R307-405 also must obtain an approval order as required by Rule R307-401. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed repeal and reenactment that was published in the December 1, 2005, issue of the Utah State Bulletin, on page 22. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The changes correct and clarify the original proposal but make no change in costs to the state budget.
❖ LOCAL GOVERNMENTS: The changes correct and clarify the original proposal but make no change in costs to local government budgets.
❖ OTHER PERSONS: The changes correct and clarify the original proposal but make no change in costs to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes correct and clarify the original proposal but make no change in costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes are corrections and clarifications in response to public comment and have no fiscal impact on 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
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DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-405. Permits: [Prevention of Significant Deterioration of Air Quality (PSD)]Major Sources in Attainment or Unclassified Areas (PSD).
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.

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

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) "Air Quality Related Values," as used in analyses under 40 CFR 52.21(p) that is incorporated by reference in R307-405-17, means those special attributes of a Class I area, assigned by a federal land manager, that are adversely affected by air quality.

(3)(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), and

(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~~]4) "Heat input" means heat input as defined in 40 CFR 52.01(g).

([~~4~~]5) "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~~]6) "Title V Operating Permit Program" means R307-415.

([~~6~~]7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.

([~~7~~]8) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.

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 re[~~s~~]designation.

(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).

R307-405-19. 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".~~]

KEY: air pollution, PSD, Class I area
Date of Enactment or Last Substantive Amendment: 2006
Notice of Continuation: August 11, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-104

♦ ♦

Environmental Quality, Air Quality

R307-410

Permits: Emissions Impact Analysis

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 28323
Filed: 03/09/2006, 11:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to make changes in response to public comments.

SUMMARY OF THE RULE OR CHANGE: The modeling requirements for criteria pollutants and hazardous air pollutants are not part of Utah's State Implementation Plan (SIP) and are not required under the federal requirements for a minor source permitting program. Therefore, the language in Section R307-410-1 that refers to 40 CFR 51.160 has been removed from the rule. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the December 1, 2005, issue of the Utah State Bulletin, on page 31. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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

ANTICIPATED COST OR SAVINGS TO:
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COMPLIANCE COSTS FOR AFFECTED PERSONS: The change corrects the original proposal but makes no change in costs to other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change corrects the original proposal and has no fiscal impact on 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:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

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.

R307-410-4. 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 R307-410-3, 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, 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
lead	0.6 tons per year

R307-410-5. 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 R307-410-5 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 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 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 R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.

(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.

KEY: air pollution, modeling, hazardous air pollutant, stack height
Date of Enactment or Last Substantive Amendment: 2006
Notice of Continuation: August 11, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-104

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Commerce, Occupational and Professional Licensing

R156-50

Private Probation Provider Licensing Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28550
FILED: 03/13/2006, 17:32

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: Title 58, Chapter 50, provides for the licensure of private probation providers. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-50-3(3) provides that the Private Probation Provider Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 50, with respect to private probation providers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in April 2001, it has been amended once in January 2005. In October 2004, amendments were proposed to the rule to define and clarify what a conflict of interest is for a licensed private probation provider as it relates to the supervision of an offender. A rule hearing was conducted on October 26, 2004. The Division received the following written comments regarding the proposed conflict of interest amendments: an October 15, 2004, e-mail from Susann J. Peterson/Frontier Probation; an October 4, 2004, letter from Chris A. Titus/Intermountain Substance Abuse; a September 2, 2004, e-mail from Jennifer Beasley; and an October 28, 2004, letter from Casey Snyder/Alliance Probation Services. All of the written comments received by the Division were concerned with the way the initial proposed amendments were written and each suggested changes to the proposed amendments. As a result of comments made during the October 2004 rule hearing, the written comments received by the Division, and further review by the Division and Board, a change in proposed rule filing was made in November 2004, which further amended the original proposed amendments to address concerns raised. The change in proposed rule filing was made effective on 01/18/2005.

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 as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 50, with respect to private probation providers. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 03/13/2006

Insurance, Administration
R590-144
Commercial Aviation Insurance Exemption From Rate and Form Filing

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28551
FILED: 03/14/2006, 13:54

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 provides general authority to adopt rules to implement Title 31A. Section 31A-19a-103 authorizes the commissioner to exempt any market segment from provisions of Title 31A, Chapter 19a, Rate Regulation. Subsection 31A-21-101(5) allows the commissioner to exempt any class of insurance contract or class of insurer from provisions of Title 31A, Chapter 21, Insurance Contracts in General. This rule exempts commercial aviation insurance from the requirement to file insurance policy rates and forms with the department.

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 regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Because of the unique nature of commercial aviation risks, aviation insurance premiums rely on individual risk analysis, underwriting judgment, and the negotiation of a sophisticated business transaction between the insurer and an informed insured. These types of risks also require individually tailored manuscript-type policies. Because of the uniqueness of each risk it is not reasonable to set general rates and forms for them. For this reason it is important that this rule continue in force, exempting commercial aviation insurance from the requirement to file policy rates and forms.

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: 03/14/2006

♦ ——— ♦

Tax Commission, Auditing
R865-21U
Use Tax

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28540
FILED: 03/07/2006, 11:32

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 59-12-103 imposes a tax on sales and uses of tangible personal property and services, but leaves unclear how the two taxes work together. Section 59-12-103 also imposes a use tax on tangible personal property stored in the state, but does not define when goods are stored in the state, nor does it address the issue of incidental first use of the property outside the state. Section 59-12-107 places responsibility for collecting use tax upon vendors, but does not provide adequate detail to determine if a taxable use has occurred, and is silent on the issue of whether the vendor should collect use tax on goods purchased in interstate commerce but stored, used, or consumed within the state. Section 59-12-107 also imposes a use tax upon users if a sales or use tax was not collected by the vendor, but does not provide detail on how the user should pay or account for those payments. Section 59-12-118 gives the Tax Commission rulemaking authority to administer the sales and use tax.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment 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 R865-21U-1 clarifies the purpose of the use tax and when the use tax applies. Section R865-21U-2 clarifies that all rules promulgated for sales taxes are applicable to use taxes. Section R865-21U-3 clarifies when vendors are required to collect use tax. Section R865-21U-6 sets forth a purchaser's responsibilities with regard to payment of and accounting for use tax. Section R865-21U-15 clarifies that incidental first use of tangible personal property outside the state will be subject to Utah use tax. Section R865-21U-16 clarifies that use tax is required on goods sold in interstate commerce but stored, used, or consumed within the state. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

AUTHORIZED BY: Pam Hendrickson, Commission Chair

EFFECTIVE: 03/07/2006

Tax Commission, Collections
R867-2B
Delinquent Tax Collection

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28539
FILED: 03/07/2006, 10:19

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 59-1-302 allows the Tax Commission to impose a penalty upon the officers/directors or a corporation for unpaid tax. The rule clarifies that the Tax Commission may impose a lien for those penalties if they remain unpaid. Sections 59-1-701 and 59-1-702 allow the Tax Commission to make a jeopardy assessment if certain grounds are met. Section 59-1-703 provides that property seized under a jeopardy assessment may be sold prior to the close of appeals on the assessment if certain conditions are met. Section 59-19-104 requires the Tax Commission to adopt a uniform system of affixing and displaying drug stamps for marijuana and controlled substances on which a tax is imposed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment 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 R867-2B-1 clarifies that certain individuals may be subject to a tax lien. Section R867-2B-2 clarifies that assessments made pursuant to the Illegal Drug Stamp Act shall be presumed to meet the grounds required for the jeopardy assessment provided for under Title 59, Chapter 1, Part 7. Section R867-2B-3 clarifies the procedures the Tax Commission follows prior to sale of property seized under a jeopardy assessment. Section R867-2B-4 sets forth a uniform system of affixing and displaying drug stamps on marijuana and controlled substances for which a tax is imposed under Title 59, Chapter 19. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
COLLECTIONS
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@utah.gov

AUTHORIZED BY: Pam Hendrickson, Commission Chair

EFFECTIVE: 03/07/2006

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

Administrative Services
Records Committee
No. 28462 (AMD): R35-1. State Records Committee Appeal Hearing Procedures.
Published: February 1, 2006
Effective: March 14, 2006

Commerce
Real Estate
No. 28450 (AMD): R162-203. Status Changes.
Published: February 1, 2006
Effective: March 9, 2006

No. 28451 (AMD): R162-207-3. Renewal Process.
Published: February 1, 2006
Effective: March 9, 2006

Education
Administration
No. 28463 (AMD): R277-410. Accreditation of Schools.
Published: February 1, 2006
Effective: March 6, 2006

No. 28464 (AMD): R277-477. Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program.
Published: February 1, 2006
Effective: March 6, 2006

No. 28465 (AMD): R277-501. Educator Licensing Renewal, Highly Qualified and Timelines.
Published: February 1, 2006
Effective: March 6, 2006

No. 28466 (NEW): R277-510. Educator Licensing - Highly Qualified Teachers.
Published: February 1, 2006
Effective: March 6, 2006

No. 28467 (AMD): R277-705. Secondary School Completion and Diplomas.
Published: February 1, 2006
Effective: March 6, 2006

Environmental Quality
Drinking Water
No. 28416 (AMD): R309-105-9. Minimum Water Pressure.
Published: January 1, 2006
Effective: March 8, 2006

No. 28417 (AMD): R309-150-6. Physical Facilities.
Published: January 1, 2006
Effective: March 8, 2006

No. 28418 (AMD): R309-405-4. Assessment of a Penalty and Calculation of Settlement Amounts.
Published: January 1, 2006
Effective: March 8, 2006

No. 28419 (AMD): R309-510-9. Distribution System Sizing.
Published: January 1, 2006
Effective: March 8, 2006

No. 28420 (AMD): R309-540-6. Hydropneumatic Systems.
Published: January 1, 2006
Effective: March 8, 2006

No. 28421 (AMD): R309-545-7. Location of Tanks.
Published: January 1, 2006
Effective: March 8, 2006

No. 28422 (AMD): R309-550-5. Water Main Design.
Published: January 1, 2006
Effective: March 8, 2006

Health
Health Care Financing, Coverage and Reimbursement Policy
No. 28258 (R&R): R414-2A. Inpatient Hospital Services.
Published: October 15, 2005
Effective: March 3, 2006

No. 28258 (CPR): R414-2A. Inpatient Hospital Services.
Published: January 15, 2006
Effective: March 3, 2006

Natural Resources
Wildlife Resources
No. 28454 (AMD): R657-19. Taking Nongame Mammals.
Published: February 1, 2006
Effective: March 6, 2006

No. 28455 (AMD): R657-24. Compensation for Mountain Lion and Bear Damage.
Published: February 1, 2006
Effective: March 6, 2006

No. 28457 (AMD): R657-33. Taking Bear.
Published: February 1, 2006
Effective: March 6, 2006

Public Safety
Fire Marshal
No. 28461 (AMD): R710-9. Rules Pursuant to the Utah Fire Prevention Law.
Published: February 1, 2006
Effective: March 6, 2006

No. 28460 (NEW): R710-10. Rules Pursuant to Fire Service Training, Education, and Certification.
Published: February 1, 2006
Effective: March 6, 2006

Tax Commission
Administration
No. 28430 (AMD): R861-1A-37. Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404.
Published: January 15, 2006
Effective: March 6, 2006

Property Tax
No. 28432 (AMD): R884-24P-19. Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702.
Published: January 15, 2006
Effective: March 6, 2006

End of the Notices of Rule Effective Dates Section

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2006, including notices of effective date received through March 15, 2006, the effective dates of which are no later than April 1, 2006. 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					
Finance					
R25-5	Payment of Per Diem to Boards	28384	AMD	01/25/2006	2005-24/2
Fleet Operations					
R27-1	Definitions (5YR EXTENSION)	28279	NSC	01/30/2006	Not Printed
R27-1	Definitions	28474	5YR	01/30/2006	2006-4/33
R27-1-2	Definitions	28368	NSC	01/01/2006	Not Printed
R27-2	Fleet Operations Adjudicative Proceedings	28475	5YR	01/30/2006	2006-4/33
R27-3	Vehicle Use Standards (5YR EXTENSION)	28280	NSC	01/30/2006	Not Printed
R27-3	Vehicle Use Standards	28477	5YR	01/30/2006	2006-4/34
R27-7	Safety and Loss Prevention of State Vehicles	28469	5YR	01/20/2006	2006-4/34
Fleet Operations, Surplus Property					
R28-2	Surplus Firearms	28496	5YR	02/07/2006	2006-5/47

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Purchasing and General Services					
R33-1	Utah State Procurement Rules Definitions	28436	NSC	02/22/2006	Not Printed
R33-1-1	Definitions	28445	AMD	02/21/2006	2006-2/3
R33-2-101	Delegation of Authority of the Chief Procurement Officer	28437	NSC	02/22/2006	Not Printed
R33-3	Source Selection and Contract Formation	28447	AMD	02/21/2006	2006-2/5
R33-4	Specifications	28438	NSC	02/22/2006	Not Printed
R33-5	Construction and Architect-Engineer Selection	28448	NSC	02/22/2006	Not Printed
R33-7	Cost Principles	28439	NSC	02/22/2006	Not Printed
R33-8	Property Management	28440	NSC	02/22/2006	Not Printed
Records Committee					
R35-1	State Records Committee Appeal Hearing Procedures	28462	AMD	03/14/2006	2006-3/3
Risk Management					
R37-1	Risk Management General Rules	28413	AMD	03/31/2006	2006-1/4
Agriculture and Food					
Administration					
R51-3	Government Records Access and Management Act.	28552	5YR	03/16/2006	Not Printed
R51-4	ADA Complaint Procedure	28553	5YR	03/16/2006	Not Printed
Marketing and Development					
R65-8	Management of the Junior Livestock Show Appropriation.	28558	5YR	03/16/2006	Not Printed
Plant Industry					
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	28504	5YR	02/10/2006	2006-5/47
R68-7	Utah Pesticide Control Act.	28554	5YR	03/16/2006	Not Printed
R68-8	Utah Seed Law	28452	5YR	01/09/2006	2006-3/38
R68-18	Quarantine Pertaining to Karnal Bunt	28505	5YR	02/10/2006	2006-5/48
Regulatory Services					
R70-330	Raw Milk for Retail.	28555	5YR	03/16/2006	Not Printed
R70-370	Butter	28556	5YR	03/16/2006	Not Printed
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey.	28557	5YR	03/16/2006	Not Printed
R70-410	Grading and Inspection of Shell Eggs With Standard Grade and Weight Classes	28471	5YR	01/24/2006	2006-4/35
R70-410-1	Authority	28485	AMD	03/20/2006	2006-4/4
Alcoholic Beverage Control					
Administration					
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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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	28510	R651-215	5YR	02/13/2006	2006-5/49
	28511	R651-222	5YR	02/13/2006	2006-5/49
	28512	R651-224	5YR	02/13/2006	2006-5/50

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	28257	R616-2-3	AMD	01/01/2006	2005-20/43
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Money Management Council, Administration	28533	R628-4-2	NSC	03/07/2006	Not Printed
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Commerce, Occupational and Professional Licensing	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28427	R156-56-711	NSC	02/23/2006	Not Printed
building inspection					
Commerce, Occupational and Professional Licensing	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28427	R156-56-711	NSC	02/23/2006	Not Printed
burial					
Community and Economic Development, Community Development, History	28411	R212-12	NSC	01/01/2006	Not Printed
capacity					
Transportation, Administration	28358	R907-68	NEW	01/04/2006	2005-23/61
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Human Services, Aging and Adult Services	28190	R510-401	CPR	02/23/2006	2005-22/46
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Human Services, Aging and Adult Services	28190	R510-401	AMD	02/23/2006	2005-18/37
	28190	R510-401	CPR	02/23/2006	2005-22/46
cash management					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
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certification					
Labor Commission, Safety	28515	R616-2	NSC	02/27/2006	Not Printed
	28257	R616-2-3	AMD	01/01/2006	2005-20/43
	28256	R616-3-3	AMD	02/08/2006	2005-20/44
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Commerce, Occupational and Professional Licensing	28428	R156-74	AMD	02/16/2006	2006-2/24
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Commerce, Occupational and Professional Licensing	28352	R156-44a	AMD	01/05/2006	2005-23/4

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	28245	R430-2	CPR	02/06/2006	2005-24/33
	28246	R430-3	AMD	02/06/2006	2005-20/18
	28246	R430-3	CPR	02/06/2006	2005-24/35
	28248	R430-4	CPR	02/06/2006	2005-24/37
	28248	R430-4	AMD	02/06/2006	2005-20/23
	28249	R430-6	AMD	02/06/2006	2005-20/26
	28249	R430-6	CPR	02/06/2006	2005-24/41
child support					
Human Services, Recovery Services	28412	R527-35	AMD	02/22/2006	2006-1/27
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community action programs					
Community and Economic Development, Community Development, Community Services	28353	R202-100	NSC	01/01/2006	Not Printed
community development					
Community and Economic Development, Community Development	28350	R199-11	NSC	01/01/2006	Not Printed
complaint					
Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
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Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28250	R722-300	AMD	01/09/2006	2005-20/48
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confidentiality of information					
Community and Economic Development, Community Development, Community Services	28359	R202-201	NSC	01/01/2006	Not Printed
connections					
Environmental Quality, Drinking Water	28422	R309-550-5	AMD	03/08/2006	2006-1/20
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Environmental Quality, Air Quality	28226	R307-170	AMD	01/05/2006	2005-19/6
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Commerce, Occupational and Professional Licensing	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
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Commerce, Occupational and Professional Licensing	28310	R156-37	CPR	02/16/2006	2006-2/35
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	28577	R251-712	5YR	03/28/2006	Not Printed
court reporting					
Commerce, Occupational and Professional Licensing	28428	R156-74	AMD	02/16/2006	2006-2/24
cultural resources					
Community and Economic Development, Community Development, History	28403	R212-7	NSC	01/01/2006	Not Printed
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Education, Administration	28467	R277-705	AMD	03/06/2006	2006-3/18
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Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
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disclosure requirements					
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drinking water					
Environmental Quality, Drinking Water	28416	R309-105-9	AMD	03/08/2006	2006-1/11
	28417	R309-150-6	AMD	03/08/2006	2006-1/12
	28418	R309-405-4	AMD	03/08/2006	2006-1/14
	28419	R309-510-9	AMD	03/08/2006	2006-1/16
	28420	R309-540-6	AMD	03/08/2006	2006-1/18
	28421	R309-545-7	AMD	03/08/2006	2006-1/19
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	28392	R309-600	NSC	01/01/2006	Not Printed
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educational program evaluation					
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educator					
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Education, Administration	28465	R277-501	AMD	03/06/2006	2006-3/10
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Human Services, Aging and Adult Services	28190	R510-401	CPR	02/23/2006	2005-22/46
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Public Safety, Driver License	28560	R708-33	5YR	03/17/2006	Not Printed
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Community and Economic Development, Community Development, Community Services	28385	R202-202	NSC	01/01/2006	Not Printed
	28386	R202-203	NSC	01/01/2006	Not Printed
	28387	R202-204	NSC	01/01/2006	Not Printed
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	28389	R202-206	NSC	01/01/2006	Not Printed
	28390	R202-207	NSC	01/01/2006	Not Printed
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Community and Economic Development, Community Development, Community Services	28391	R202-208	NSC	01/01/2006	Not Printed
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Community and Economic Development, Community Development, Energy Services	28433	R203-4	NSC	01/01/2006	Not Printed
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environmental health					
Environmental Quality, Drinking Water	28392	R309-600	NSC	01/01/2006	Not Printed
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	28418	R309-405-4	AMD	03/08/2006	2006-1/14
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Agriculture and Food, Marketing and Development	28558	R65-8	5YR	03/16/2006	Not Printed
fees					
Natural Resources, Parks and Recreation	28513	R651-611	5YR	02/13/2006	2006-5/50
	28169	R651-611	AMD	01/01/2006	2005-18/46
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fire training					
Public Safety, Fire Marshal	28460	R710-10	NEW	03/06/2006	2006-3/33
firearms					
Administrative Services, Fleet Operations, Surplus Property	28496	R28-2	5YR	02/07/2006	2006-5/47
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Agriculture and Food, Plant Industry	28504	R68-4	5YR	02/10/2006	2006-5/47
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food inspections					
Agriculture and Food, Regulatory Services	28556	R70-370	5YR	03/16/2006	Not Printed
	28557	R70-380	5YR	03/16/2006	Not Printed
	28471	R70-410	5YR	01/24/2006	2006-4/35
	28485	R70-410-1	AMD	03/20/2006	2006-4/4
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	28457	R657-33	AMD	03/06/2006	2006-3/25
government documents					
Administrative Services, Records Committee	28462	R35-1	AMD	03/14/2006	2006-3/3
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	28442	R182-1	NSC	01/01/2006	Not Printed
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government purchasing					
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	28445	R33-1-1	AMD	02/21/2006	2006-2/3
	28437	R33-2-101	NSC	02/22/2006	Not Printed
	28447	R33-3	AMD	02/21/2006	2006-2/5
	28438	R33-4	NSC	02/22/2006	Not Printed
	28448	R33-5	NSC	02/22/2006	Not Printed
	28439	R33-7	NSC	02/22/2006	Not Printed
	28440	R33-8	NSC	02/22/2006	Not Printed
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Community and Economic Development, Community Development, Energy Services	28433	R203-4	NSC	01/01/2006	Not Printed
	28434	R203-5	NSC	01/01/2006	Not Printed
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Community and Economic Development, Community Development	28347	R199-8	NSC	01/01/2006	Not Printed
	28348	R199-9	NSC	01/01/2006	Not Printed
	28350	R199-11	NSC	01/01/2006	Not Printed
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Tax Commission, Administration	28430	R861-1A-37	AMD	03/06/2006	2006-2/29
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Agriculture and Food, Administration	28553	R51-4	5YR	03/16/2006	Not Printed
hazardous waste					
Environmental Quality, Solid and Hazardous Waste	28346	R315-102	AMD	01/20/2006	2005-23/38
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Health, Health Systems Improvement, Licensing	28312	R432-100-24	AMD	01/05/2006	2005-22/34
	28313	R432-100-33	AMD	01/05/2006	2005-22/35
	28311	R432-100-38	AMD	01/05/2006	2005-22/38
	28449	R432-106	5YR	01/06/2006	2006-3/38
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highly qualified					
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historic preservation					
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	28408	R212-8	NSC	01/01/2006	Not Printed
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Community and Economic Development, Community Development, History	28406	R212-3	NSC	01/01/2006	Not Printed
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Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
housing development					
Community and Culture, Olene Walker Housing Trust Fund	28492	R235-1	NSC	03/01/2006	Not Printed
	28402	R235-1	NEW	03/01/2006	2006-1/9
hunter education					
Natural Resources, Wildlife Resources	28377	R657-23	AMD	01/18/2006	2005-24/19
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Natural Resources, Wildlife Resources	28382	R657-17	AMD	01/18/2006	2005-24/17
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Environmental Quality, Drinking Water	28420	R309-540-6	AMD	03/08/2006	2006-1/18
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Community and Culture, Indian Affairs	28479	R230-1	5YR	01/31/2006	2006-4/37
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Environmental Quality, Drinking Water	28420	R309-540-6	AMD	03/08/2006	2006-1/18
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	28452	R68-8	5YR	01/09/2006	2006-3/38
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	28269	R590-166-4	AMD	01/24/2006	2005-20/40
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Insurance, Administration	28117	R590-85	AMD	01/31/2006	2005-16/18
	28117	R590-85	CPR	01/31/2006	2005-20/61
	28117	R590-85	CPR	01/31/2006	2005-24/44
	28267	R590-98	AMD	01/31/2006	2005-20/39
	28267	R590-98	CPR	01/31/2006	2005-24/46
	28528	R590-99	NSC	03/06/2006	Not Printed
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Internet access					
Community and Economic Development, Community Development, Library	28344	R223-2	NSC	01/01/2006	Not Printed
intoxilyzer					
Public Safety, Highway Patrol	28342	R714-500	AMD	01/05/2006	2005-23/59
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Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
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Judicial Conduct Commission, Administration	28351	R595-4-1	AMD	02/10/2006	2005-23/45
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Human Services, Juvenile Justice Services	28378	R547-13	AMD	01/18/2006	2005-24/8
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Human Services, Juvenile Justice Services	28378	R547-13	AMD	01/18/2006	2005-24/8
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Public Safety, Fire Marshal	28461	R710-9	AMD	03/06/2006	2006-3/27
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	28483	R850-22-900	AMD	03/20/2006	2006-4/15
leave benefits					
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	28310	R156-37	AMD	02/16/2006	2005-22/8
	28352	R156-44a	AMD	01/05/2006	2005-23/4
	28478	R156-47b	5YR	01/31/2006	2006-4/35
	28550	R156-50	5YR	03/13/2006	2006-7/33
	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28427	R156-56-711	NSC	02/23/2006	Not Printed
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Insurance, Administration	28527	R590-93-6	NSC	03/06/2006	Not Printed
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Agriculture and Food, Marketing and Development	28558	R65-8	5YR	03/16/2006	Not Printed
Natural Resources, Wildlife Resources	28455	R657-24	AMD	03/06/2006	2006-3/24
management					
Community and Economic Development, Community Development, History	28403	R212-7	NSC	01/01/2006	Not Printed
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Commerce, Occupational and Professional Licensing	28478	R156-47b	5YR	01/31/2006	2006-4/35
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School and Institutional Trust Lands, Administration	28484	R850-24-300	AMD	03/20/2006	2006-4/16
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	28258	R414-2A	R&R	03/03/2006	2005-20/11
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Commerce, Occupational and Professional Licensing	28352	R156-44a	AMD	01/05/2006	2005-23/4
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School and Institutional Trust Lands, Administration	28484	R850-24-300	AMD	03/20/2006	2006-4/16
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School and Institutional Trust Lands, Administration	28484	R850-24-300	AMD	03/20/2006	2006-4/16
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	28338	R647-2	AMD	02/23/2006	2005-23/48
	28339	R647-3	AMD	02/23/2006	2005-23/51
	28340	R647-4	AMD	02/23/2006	2005-23/55
	28341	R647-5-101	AMD	02/23/2006	2005-23/58
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Environmental Quality, Drinking Water	28419	R309-510-9	AMD	03/08/2006	2006-1/16
minimum standards					
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monitoring					
Environmental Quality, Air Quality	28226	R307-170	AMD	01/05/2006	2005-19/6
motor vehicles					
Public Safety, Driver License	28567	R708-20	5YR	03/21/2006	Not Printed
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Natural Resources, Parks and Recreation	28511	R651-222	5YR	02/13/2006	2006-5/49
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Community and Economic Development, Community Development, History	28405	R212-6	NSC	01/01/2006	Not Printed
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Community and Economic Development, Indian Affairs	28441	R230-1	NSC	01/01/2006	Not Printed
	28479	R230-1	5YR	01/31/2006	2006-4/37
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Governor, Planning and Budget	28295	R361-1	REP	01/03/2006	2005-22/36
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Education, Administration	28463	R277-410	AMD	03/06/2006	2006-3/7
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Commerce, Occupational and Professional Licensing	28365	R156-31b	AMD	01/23/2006	2005-24/3
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School and Institutional Trust Lands, Administration	28483	R850-22-900	AMD	03/20/2006	2006-4/15
Olene Walker Housing Loan Fund					
Community and Culture, Olene Walker Housing Trust Fund	28492	R235-1	NSC	03/01/2006	Not Printed
	28402	R235-1	NEW	03/01/2006	2006-1/9
ombudsman					
Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
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Community and Economic Development, Community Development, Community Services	28385	R202-202	NSC	01/01/2006	Not Printed
operating permit					
Environmental Quality, Air Quality	28549	R307-415-7d	NSC	03/28/2006	Not Printed
operations					
School and Institutional Trust Lands, Administration	28482	R850-21-900	AMD	03/20/2006	2006-4/14
operator certification					
Public Safety, Highway Patrol	28342	R714-500	AMD	01/05/2006	2005-23/59
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Environmental Quality, Drinking Water	28421	R309-545-7	AMD	03/08/2006	2006-1/19
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Workforce Services, Unemployment Insurance	28480	R994-406-302	NSC	02/22/2006	Not Printed
parks					
Natural Resources, Parks and Recreation	28513	R651-611	5YR	02/13/2006	2006-5/50
	28169	R651-611	AMD	01/01/2006	2005-18/46
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Community and Economic Development, Community Development, Community Services	28386	R202-203	NSC	01/01/2006	Not Printed
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Environmental Quality, Drinking Water	28418	R309-405-4	AMD	03/08/2006	2006-1/14
per diem allowance					
Administrative Services, Finance	28384	R25-5	AMD	01/25/2006	2005-24/2
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Community and Economic Development, Community Development, Fine Arts	28361	R207-1	NSC	01/01/2006	Not Printed
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Natural Resources, Wildlife Resources	28376	R657-42	AMD	01/18/2006	2005-24/27
Transportation, Motor Carrier, Ports of Entry	28415	R912-11	AMD	02/08/2006	2006-1/28
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plots					
Community and Economic Development, Community Development, History	28411	R212-12	NSC	01/01/2006	Not Printed
prescriptions					
Health, Health Care Financing, Coverage and Reimbursement Policy	28356	R414-63	REP	01/04/2006	2005-23/44
preservation					
Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
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Corrections, Administration	28577	R251-712	5YR	03/28/2006	Not Printed
private probation provider					
Commerce, Occupational and Professional Licensing	28550	R156-50	5YR	03/13/2006	2006-7/33
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Commerce, Occupational and Professional Licensing	28550	R156-50	5YR	03/13/2006	2006-7/33
property tax					
Tax Commission, Property Tax	28432	R884-24P-19	AMD	03/06/2006	2006-2/31
public buildings					
Community and Economic Development, Community Development, Energy Services	28433	R203-4	NSC	01/01/2006	Not Printed
	28434	R203-5	NSC	01/01/2006	Not Printed
public investments					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
public library					
Community and Economic Development, Community Development, Library	28344	R223-2	NSC	01/01/2006	Not Printed
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	28442	R182-1	NSC	01/01/2006	Not Printed
public schools					
Education, Administration	28463	R277-410	AMD	03/06/2006	2006-3/7

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Environmental Quality, Drinking Water	28420	R309-540-6	AMD	03/08/2006	2006-1/18
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Workforce Services, Employment Development	28425	R986-300-305	AMD	03/01/2006	2006-1/31
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Natural Resources, Wildlife Resources	28453	R657-39	5YR	01/09/2006	2006-3/39
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Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
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Community and Economic Development, Community Development, Community Services	28385	R202-202	NSC	01/01/2006	Not Printed
residential mortgage loan origination					
Commerce, Real Estate	28450	R162-203	AMD	03/09/2006	2006-3/4
	28451	R162-207-3	AMD	03/09/2006	2006-3/5
	28476	R162-209	5YR	01/30/2006	2006-4/36
Resource Development Coordinating Committee (RDCC)					
Governor, Planning and Budget	28295	R361-1	REP	01/03/2006	2005-22/36
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Human Services, Aging and Adult Services	28190	R510-401	CPR	02/23/2006	2005-22/46
	28190	R510-401	AMD	02/23/2006	2005-18/37
right of petition					
Corrections, Administration	28576	R251-104	5YR	03/28/2006	Not Printed
risk management					
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Labor Commission, Occupational Safety and Health	28514	R614-1-5	NSC	02/27/2006	Not Printed
Labor Commission, Safety	28515	R616-2	NSC	02/27/2006	Not Printed
	28257	R616-2-3	AMD	01/01/2006	2005-20/43
	28256	R616-3-3	AMD	02/08/2006	2005-20/44
safety regulations					
Transportation, Motor Carrier, Ports of Entry	28415	R912-11	AMD	02/08/2006	2006-1/28
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Education, Administration	28446	R277-602	AMD	02/15/2006	2006-2/25
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Education, Administration	28464	R277-477	AMD	03/06/2006	2006-3/8
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securities regulation					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
security guards					
Commerce, Occupational and Professional Licensing	28345	R156-63-503	AMD	01/10/2006	2005-23/5
seizure of property					
Tax Commission, Collections	28539	R867-2B	5YR	03/07/2006	2006-7/35
self insurance plans					
Public Safety, Driver License	28572	R708-19	5YR	03/23/2006	Not Printed
self-employment income					
Community and Economic Development, Community Development, Community Services	28386	R202-203	NSC	01/01/2006	Not Printed
shorthand reporter					
Commerce, Occupational and Professional Licensing	28428	R156-74	AMD	02/16/2006	2006-2/24
single risk limitation					
Insurance, Administration	28486	R590-234	NEW	03/22/2006	2006-4/12
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Education, Administration	28446	R277-602	AMD	02/15/2006	2006-2/25
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Natural Resources, Wildlife Resources	28456	R657-40	5YR	01/10/2006	2006-3/40
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Money Management Council, Administration	28533	R628-4-2	NSC	03/07/2006	Not Printed

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state lands					
Community and Culture, Indian Affairs	28479	R230-1	5YR	01/31/2006	2006-4/37
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state records committee					
Administrative Services, Records Committee	28462	R35-1	AMD	03/14/2006	2006-3/3
state register					
Community and Economic Development, Community Development, History	28405	R212-6	NSC	01/01/2006	Not Printed
state vehicle use					
Administrative Services, Fleet Operations	28280	R27-3	NSC	01/30/2006	Not Printed
	28477	R27-3	5YR	01/30/2006	2006-4/34
stock brokers					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
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Environmental Quality, Drinking Water	28421	R309-545-7	AMD	03/08/2006	2006-1/19
tax credit					
Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
taxation					
Tax Commission, Administration	28430	R861-1A-37	AMD	03/06/2006	2006-2/29
Tax Commission, Auditing	28540	R865-21U	5YR	03/07/2006	2006-7/34
Tax Commission, Collections	28539	R867-2B	5YR	03/07/2006	2006-7/35
Tax Commission, Property Tax	28432	R884-24P-19	AMD	03/06/2006	2006-2/31
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Public Service Commission, Administration	28139	R746-345	AMD	02/08/2006	2005-17/31
	28139	R746-345	CPR	02/08/2006	2005-24/47
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Natural Resources, Wildlife Resources	28453	R657-39	5YR	01/09/2006	2006-3/39
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Administrative Services, Fleet Operations	28469	R27-7	5YR	01/20/2006	2006-4/34
title insurance					
Insurance, Title and Escrow Commission	28529	R592-2-5	NSC	03/06/2006	Not Printed

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transportation					
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Transportation, Administration	28358	R907-68	NEW	01/04/2006	2005-23/61
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Transportation, Motor Carrier, Ports of Entry	28415	R912-11	AMD	02/08/2006	2006-1/28
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Health, Health Systems Improvement, Primary Care and Rural Health	28331	R434-100-6	NSC	01/01/2006	Not Printed
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Workforce Services, Unemployment Insurance	28480	R994-406-302	NSC	02/22/2006	Not Printed
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Tax Commission, Auditing	28540	R865-21U	5YR	03/07/2006	2006-7/34
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Transportation, Preconstruction	28360	R930-6	AMD	01/27/2006	2005-24/31
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Human Resource Management, Administration	28443	R477-7	EMR	01/01/2006	2006-2/40
	28571	R477-7	EMR	04/01/2006	Not Printed
victim compensation					
Crime Victim Reparations, Administration	28355	R270-1	AMD	01/04/2006	2005-23/6
	28473	R270-1-4	NSC	02/22/2006	Not Printed
victims of crime					
Crime Victim Reparations, Administration	28355	R270-1	AMD	01/04/2006	2005-23/6
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Crime Victim Reparations, Administration	28473	R270-1-4	NSC	02/22/2006	Not Printed
waiver					
Health, Health Systems Improvement, Primary Care and Rural Health	28331	R434-100-6	NSC	01/01/2006	Not Printed
water conservation					
Environmental Quality, Drinking Water	28419	R309-510-9	AMD	03/08/2006	2006-1/16
water hauling					
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watershed management					
Environmental Quality, Drinking Water	28416	R309-105-9	AMD	03/08/2006	2006-1/11
wildland urban interface					
Natural Resources, Forestry, Fire and State Lands	28525	R652-122	NSC	03/07/2006	Not Printed
wildlife					
Natural Resources, Wildlife Resources	28379	R657-5	AMD	01/18/2006	2005-24/11
	28303	R657-13	AMD	01/18/2006	2005-22/41
	28382	R657-17	AMD	01/18/2006	2005-24/17
	28454	R657-19	AMD	03/06/2006	2006-3/22
	28377	R657-23	AMD	01/18/2006	2005-24/19
	28455	R657-24	AMD	03/06/2006	2006-3/24
	28457	R657-33	AMD	03/06/2006	2006-3/25
	28371	R657-38	AMD	01/18/2006	2005-24/22
	28456	R657-40	5YR	01/10/2006	2006-3/40
	28376	R657-42	AMD	01/18/2006	2005-24/27
wildlife conservation					
Natural Resources, Wildlife Resources	28371	R657-38	AMD	01/18/2006	2005-24/22
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Natural Resources, Wildlife Resources	28303	R657-13	AMD	01/18/2006	2005-22/41
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Labor Commission, Industrial Accidents	28458	R612-4	5YR	01/12/2006	2006-3/39
	28298	R612-4-2	AMD	01/01/2006	2005-22/41
Workforce Investment Act					
Workforce Services, Employment Development	28400	R986-600-604	NSC	01/01/2006	Not Printed