UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed July 2, 2009, 12:00 a.m. through July 15, 2009, 11:59 p.m.

Number 2009-15
August 1, 2009

Kimberly K. Hood, Executive Director
Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63G-3-402, *Utah Code Annotated* 1953.

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

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

Division of Administrative Rules, Salt Lake City 84114

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.
Semimonthly.
1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
I. Utah. Office of Administrative Rules.

KFU440.A73S7
348.792'025--DDC 85-643197

TABLE OF CONTENTS

1. SPECIAL NOTICES

2. NOTICES OF PROPOSED RULES

SPECIAL NOTICES

Governor's Executive Order 2009-0005: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

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

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

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

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

NOW THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of July 10, 2009 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 8th day of July 2009.

(State Seal)

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

2009/0005

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 July 2, 2009, 12:00 a.m., and July 15, 2009, 11:59 p.m. are included in this, the August 1, 2009, 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 between paragraphs (. . . . .) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. 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 August 31, 2009. 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 63G-3-302 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 November 29, 2009, 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 seven calendar days after the close of the public comment period 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 Section 63G-3-301; and Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Animal Industry
R58-21
Trichomoniasis

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32784
FILED: 07/06/2009, 09:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add definitions, to update approved media and tests, and to change the requirements for importation of bulls into the state.

SUMMARY OF THE RULE OR CHANGE: This amendment adds definitions and a section on sampling and testing procedures; changes the importation requirements for bulls entering the state; and adds the ability to use the Polymerase chain Reaction (PCR) test.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-31-21

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to the rule will not affect the state budget. The program is currently being funded by general fund money for animal health. The agency does not anticipate that the changes to the rule will change the current funding level beyond inflationary cost associated with the general fund.

❖ LOCAL GOVERNMENTS: There are no costs to local government at this time under the current rule. All costs to run the program are through the state general fund and local governments are not involved in the program. The proposed changes made to the rule will not require local government involvement and will not require costs to be borne by local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Depending on the type of test, there could be an increase in the cost to the producer, but by choosing the costlier test, the need for multiple test goes away which will balance out the overall cost of testing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be some increase in the cost to import a bull into the State of Utah as a result of expanded testing requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no impact on businesses, there may be a decrease in the fiscal impact on cattle producers with positive bulls by allowing the option of one PCR test over three culture tests. Leonard M. Blackham, Commissioner

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

AGRICULTURE AND FOOD
ANIMAL INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kathleen Mathews, Terry Menlove, or Kyle Stephens at the above address, by phone at 801-538-7103, 801-538-7162, or 801-538-7102, by FAX at 801-538-7126, 801-538-7169, or 801-538-7126, or by Internet E-mail at kmathews@utah.gov, tmenlove@utah.gov, or kylestephens@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 10/01/2009

AUTHORIZED BY: Leonard M. Blackham, Commissioner

R58. Agriculture and Food, Animal Industry.
R58-21. Trichomoniasis.
R58-21-2. Definitions.

A. Acceptable media - Any Department approved media in which samples may be transferred, transported, and cultured. At this time, the approved media is the InPouch™ TF (BioMed Diagnostics, San Jose, Calif.).

B. Approved slaughter facility - A slaughter establishment that is either under state or federal inspection.

C. Brand - A 2 X 3 hot iron single character lazy V applied to the left of the tailhead of a bull, signifying that the bull is infected with the venereal disease, Trichomoniasis.

D. Certified veterinarian - A veterinarian who has been certified by the Utah Department of Agriculture and Food to collect samples for trichomoniasis testing.

E. Commuter bulls - Bulls traveling across state lines for grazing purposes while utilizing a Commuter Permit Agreement approved by both the respective State Veterinarians or bulls traveling on a Certificate of Veterinary Inspection where there is no change of ownership.

F. Confinement - Bulls held in such manner that escape is improbable. Typical barbed wire or net pasture fencing does not constitute confinement.

G. Department - The Utah Department of Agriculture and Food.

H. Exposed to female cattle - Freedom from restraint such that breeding is a possible activity.

I. Feeder Bulls - Bulls not exposed to female cattle and kept in confinement for the purpose of feeding and only go to slaughter.

J. Negative bull - A bull that has been tested with official test procedures and found free from infection by Tritrichomonas foetus.

K. Official tag - A tag authorized by the Department that is placed in the right ear of a bull by a certified veterinarian after being tested for trichomoniasis. The color of the official tag shall be changed yearly.

M. Official test - A test currently approved by the Department for detection of Tritrichomonas foetus. The culture test and the Polymerase Chain Reaction (PCR) test are the currently approved test methods.

N. Positive bull - A bull that has been tested with official test procedures and found to be infected by Tritrichomonas foetus.

O. Positive herd - Any herd or group of cattle owned by one or more persons which shares common grazing or feeding operations and in which one or more animals has been diagnosed with trichomoniasis within the last 12 months.

P. Qualified feedlot - A feedlot approved by the Utah Department of Agriculture and Food to handle heifers, cows, or bulls. These animals shall be confined to a dry lot area which is used to upgrade or finish feeding animals going only to slaughter.

Q. Test chart - A document which certifies that a bull has been subjected to an official test for trichomoniasis and indicates the results of the test.

R. Trichomoniasis - A venereal disease of bovidea caused by the organism Tritrichomonas foetus.[~~Total Confinement Operation - means a dry lot feeding operation where none of the sexually active animals are allowed access to pasture, or to mingle with other cattle outside the confines of the premise.~~

~~Commuter Cattle - means cattle traveling across state lines for grazing purposes while utilizing a Commuter Permit Agreement approved by both the respective State Veterinarians, or cattle traveling on a Certificate of Veterinary Inspection where there is no change of ownership.~~

~~Official Test - means one where the sample is collected by an accredited veterinarian approved by the department and which is received by the lab within 24 hours of collection. The sample should be transported on acceptable media and maintained at 65 to 90 degrees Fahrenheit. Test samples not meeting this criteria will be discarded and a new sample collected. Acceptable media shall be Diamond Media, or the In Pouch method, or other department approved transport media. The inoculated media shall be incubated at 37 degrees centigrade and monitored for growth at 24 hour intervals for 96 hours. An Official State of Utah Trichomoniasis Test Tag or similar official tag from another state shall be placed in the right ear of any bull so tested.~~

~~Qualified Feedlot - means a feedlot approved by the Utah Department of Agriculture and Food to handle INTRASTATE heifers, cows, or bulls which originate from Utah herds. These animals shall be confined to a dry lot area which is used to upgrade or finish feeding animals going only to slaughter.~~

~~Positive Herd - means any herd or group of cattle owned by one or more persons which shares common grazing or feeding operations and in which one or more animals has been diagnosed to be infected with trichomoniasis within the last 12 months.~~

~~Department - means the Utah Department of Agriculture and Food.~~

~~Brand - means a 2 X 3 hot iron single character lazy V applied to the left of the tail of a bull, signifying that the bull is infected with the venereal disease, Trichomoniasis.~~

~~Exposed to female cattle - means freedom from restraint such that breeding is a possible activity.~~

~~Feeder Bulls - means bulls not exposed to female cattle and kept in total confinement operations for the purpose of feeding and eventual slaughter.~~]

R58-21-3. Trichomoniasis - Sampling and Testing Procedures.

A. Sample collection - Samples are obtained from a vigorous scraping of the bull's prepuce using a sterile syringe and new pipette on each bull.

B. Sample handling - Samples shall be transferred and transported in approved media and maintained at 65 to 90 degrees Fahrenheit (18 to 32 degrees Celsius). Samples shall be set up for culture testing within 24 hours of sampling. Samples shall also be protected from direct sunlight.

C. Culture testing - The inoculated media shall be incubated at 98 degrees Fahrenheit (37 degrees Celsius) and monitored for growth at 24 hour intervals for 96 hours.

D. Polymerase Chain Reaction (PCR) testing - The inoculated media shall be incubated at 98 degrees Fahrenheit (37 degrees Celsius) for 24 hours and then frozen. The frozen sample shall be sent overnight on ice to the Utah Veterinary Diagnostic Laboratory (950 East 1400 North, Logan, Utah 84341) for PCR testing.

E. Test interpretation - A sample is considered test negative if one (1) PCR test or one (1) culture test is negative for the presence of Tritrichomonas foetus.

R58-21-[~~3~~]4. Trichomoniasis - Rules - Prevention and Control.

A. All bulls nine months of age and older, entering Utah, must be tested with one (1) Polymerase Chain Reaction (PCR) test or three (3) culture tests, collected no less the seven days apart, for Trichomoniasis by an accredited veterinarian within 30 days prior to entry into Utah. Bulls that have had contact with female cattle subsequent to testing must be retested prior to entry.

B. The following bulls are exempted from (A) above[~~Exceptions include~~]:

1[~~)~~]. B[~~b~~]ulls going directly to slaughter or to a qualified feedlot,

2[~~)~~]. F[~~f~~]eeder bulls kept in [~~total~~]confinement operations,

3[~~)~~]. R[~~r~~]odeo bulls for the purpose of exhibition, and

4[~~)~~]. B[~~b~~]ulls attending livestock shows for the purpose of exhibition, only to be returned to the state of origin immediately after the event.

B. Rodeo and exhibition bulls with access to grazing, or exposed to female cattle, or being offered for sale are required to be tested prior to entry.[~~ Any Certificate of Veterinary Inspection issued for bulls covered under this rule shall bear the statement, Trichomoniasis has not been diagnosed in the herd of origin within the last 12 months, except that, bulls from herds that have tested positive for trichomoniasis within the previous 12 months are required to have three negative tests, no less the one week apart, prior to entry into Utah.~~]

C. All bulls nine months of age and older residing in Utah, and all commuter bulls must be tested with an official test for trichomoniasis annually, between October 1 and April 30[~~May 31~~] of the following year, [~~and~~]or prior to exposure to female cattle according to approved sampling and testing procedures.[~~ After May 31, owners of untested bulls may be fined $200 per head.Owners of untested bulls that have been exposed to female cattle may be fined up to $500 per head regardless of the time of year.~~]

D. Testing shall be performed by a certified[~~an accredited~~] veterinarian[~~ who has been certified to perform testing for trichomoniasis~~].

1. All test results shall be recorded on test charts provided by the Department or electronic forms created by the certified veterinarian.

a. Electronic forms shall have the following information:

i. Veterinarian's name and contact information

ii. Owner's name and contact information

iii. Bull's Trichomoniasis tag number, age, breed

iv. Date of collection

v. Test results

2. A copy of all test charts shall be submitted to the Department within ten (10) days of collecting the sample.

E. All bulls from positive herds are required to have three negative culture tests, no less than one week apart, or one negative Polymerase Chain Reaction (PCR) test prior to exposure to female cattle. Exceptions include bulls going to slaughter or to a qualified

feedlot, [~~dairy~~]bulls in [~~total~~]confinement operations, and feeder bulls[~~in total confinement operations which are not exposed to female cattle~~].

F. All bulls nine months of age and older being offered for sale for reproductive purposes in the state of Utah must be tested for Trichomoniasis with an official test [~~within 30 days~~]prior to sale[~~and shall bear a current official Trichomoniasis test tag~~]. Bulls that have had contact with female cattle subsequent to testing must be re-tested prior to sale or transfer of ownership.

G. It shall be the responsibility of the owner or his agent to declare, on the auction drive-in slip, the Trichomoniasis status of a bull being offered for sale at a livestock auction.

1. Untested bulls (i.e. bulls without a current Trichomoniasis test tag), including dairy bulls, [~~may~~]must be sold for slaughter only, [~~or~~]for direct movement to a Qualified Feedlot, or [~~Total~~]Confinement Operation.

H. Any bull over nine months of age which [~~is found estray~~]has strayed and commingles with [~~another producers~~]female cattle may be required to be tested (or re-tested) for trichomoniasis. The owner of the offending bull shall bear all costs for the official test.

I. All Utah bulls, which are tested, shall be tagged in the right ear with an official tag[~~a current Official State of Utah Trichomoniasis test tag~~] by the certified[~~accredited~~] veterinarian performing the test.[~~Official tags shall be only those as are authorized by the department and approved by the State Veterinarian office. The color of the approved tag shall be changed yearly.~~]

J. Bulls entering the State of Utah under the provisions of this rule may be tagged upon arrival by a[~~n accredited~~] certified veterinarian upon receipt of the Trichomoniasis test charts from the testing veterinarian.

K. Bulls which bear a current Trichomoniasis test tag from another state which has an official Trichomoniasis testing program will be acceptable to the State of Utah providing that they meet all Trichomoniasis testing requirements as described above.

R58-21-5. Trichomoniasis - Rules - Positive Bull.

A. A bull is considered positive if:

1. Trichomonas organisms are identified when cultured by the examining veterinarian or a laboratory, or

2. A laboratory identifies Tritrichomonas foetus using a Polymerase Chain Reaction (PCR) test.

B. An owner may have the option to request submission of the positive culture sample to an approved reference laboratory for confirmation by Polymerase Chain Reaction (PCR) test.

1. The sample from said bull must be shipped to the laboratory using the protocol described in R58-21-3.

2. A sample determined by Polymerase Chain Reaction (PCR) not to be Tritrichomonas foetus will be considered negative and the bull can be used for breeding purposes.

3. A sample found to be inconclusive will result in the need for the bull to be sampled and tested a second time.

C. All bulls testing positive for Trichomoniasis must be reported immediately to: 1) the owner, and 2) the State Veterinarian, by the certified veterinarian performing the test.

D. The owner shall be required to notify the administrators of the common grazing allotment and any neighboring (contiguous) cattleman within ten days following such notification by [~~his~~]the certified veterinarian[~~or laboratory~~].

E. All bulls which test positive [~~to~~]for Trichomoniasis must be sent by direct movement within 14 days, to:

1[~~)~~]. [~~s~~]Slaughter at an approved slaughter facility, or

2[~~)~~]. [~~t~~]To a Qualified Feedlot for finish feeding and slaughter, or

3[~~)~~]. [~~t~~]To an approved auction market for sale to one of the above facilities.

F. Such bulls must move only when accompanied by a VS 1-27 Form issued by the testing veterinarian or other regulatory official.

G. Positive bulls entering a Qualified Feedlot, or Approved Auction Market shall be identified with a lazy V brand on the left side of the tailhead by either the livestock inspector or the contract veterinarian, indicating that the bull is infected with [~~the venereal disease,~~]Trichomoniasis.

[~~A bull is considered positive if Trichomonas organisms are identified when cultured by the examining veterinarian or laboratory. An owner may have the option to request submission of the positive sample to an approved reference laboratory for confirmation by Polymerase Chain Reaction (PCR). As prerequisites to exercising this option, the bull must be 16 months of age or younger and the sample must arrive at the laboratory within 48 hours of being found positive. A sample determined by PCR not to be T. foetus will be considered negative. A sample found to be inconclusive will be considered positive. A bull determined to be negative for T. foetus by PCR must be subsequently tested negative by culture prior to being offered for sale and no sooner than one month after the PCR.~~

]

R58-21-6. Trichomoniasis - Rules - Non-compliance.

A. Any person who fails to satisfy the requirements of this rule or who knowingly sells animals infected with Trichomoniasis, other than to slaughter, without declaring their disease status shall be subject to citation and fines as prescribed by the department or may be called to appear before an administrative proceeding by the department.

B. After April 30, owners of untested bulls may be fined $200.00 per head.

C. Owners of untested bulls that have been exposed to female cattle may be fined up to $500.00 per head regardless of the time of year.

KEY: disease control
Date of Enactment or Last Substantive Amendment: [~~March 4, 2004~~]2009
Notice of Continuation: February 3, 2005
Authorizing, and Implemented or Interpreted Law: 4-31-21

♦ ♦

Commerce, Occupational and Professional Licensing

R156-78

Vocational Rehabilitation Counselors Licensing Act Rule

NOTICE OF PROPOSED RULE

(New Rule)
DAR FILE NO.: 32820
FILED: 07/14/2009, 08:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2009 Legislative Session, H.B. 174 was passed which created Title 58, Chapter 78, Vocational Rehabilitation Counselors Licensing Act. This new rule is being proposed to clarify

provisions of the new governing statute. (DAR NOTE: H.B. 174 (2009) is found at Chapter 122, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This new rule provides for the following: title, definitions, authority/purpose, organization/relationship on Rule R156-1, experience requirement, examination requirements, renewal cycle/procedures, continuing education, and unprofessional conduct.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-78-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Adds Code of Professional Ethics for Rehabilitation Counselors, published by the Commission on Rehabilitation Counselor Certification, effective January 1, 2002

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately $50 to print the rule and distribute it once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. Any additional costs to be incurred as a result of the Division now licensing vocational rehabilitation counselors were covered in the fiscal note which was completed for H.B. 174.

❖ LOCAL GOVERNMENTS: The proposed amendments only apply to applicants for licensure as a vocational rehabilitation counselor. As a result, the proposed amendments do not apply to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The proposed amendments only apply to applicants for licensure as a vocational rehabilitation counselor. Any cost or saving impact to either small businesses or persons other than businesses brought about by this rule change comes as a result of the changes to the statute under H.B. 174. The fiscal note prepared by the Division in response to H.B. 174 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule filing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to applicants for licensure as a vocational rehabilitation counselor. Any cost or saving impact to affected persons brought about by this rule change comes as a result of the changes to the statute under H.B. 174. The fiscal note prepared by the Division in response to H.B. 174 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule filing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing administers the new Vocational Rehabilitation Counselor Licensing Act. No fiscal impact to businesses is anticipated beyond those addressed by the Legislature in passing the Act. Francine A. Giani, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rich Oborn at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@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 08/31/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 8/03/2009 at 10:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Mark B. Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-78. Vocational Rehabilitation Counselors Licensing Act Rule.
R156-78-101. Title.

This rule is known as the "Vocational Rehabilitation Counselors Licensing Act Rule".

R156-78-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 78, as used in Title 58, Chapters 1 and 78 or in this rule:

(1) "Disability related work experience", as used in Subsection 58-78-302(1)(e), means the practice of providing vocational rehabilitation services as defined in Subsection 58-78-102(3).

(2) "In-service" means a continuing education course that meets the requirements in Subsection R156-78-304(4) and is hosted or sponsored by an employer and not by a professional association, society or organization related to the profession.

(3) "Related field", as used in Subsection 58-78-302(1)(d), includes:

(a) psychology, clinical psychology, counseling psychology, professional guidance and counseling, social work, and educational counseling; and

(b) before January 1, 2011, educational psychology, rehabilitation studies, special education with rehabilitation counseling emphasis and marriage and family therapy.

(4) "Supervision", as used in Subsections 58-78-302(1)(e) and 58-78-304(1) means general supervision in that the supervising licensee:

(a) has authorized the work to be performed by the person being supervised;

(b) is available for consultation with the person being supervised by personal face-to-face contact, or direct voice contact

by telephone, radio, or some other means, whether or not the supervising licensee is located on the same premises as the person being supervised;

(c) provides necessary consultation within a reasonable period of time; and

(d) maintains routine personal contact with the person being supervised.

(5) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 78, is further defined in accordance with Subsection 58-1-203(1)(e) in Section R156-78-502.

(6) "Vocational assessment", as used in Subsection 58-78-102(3)(c), includes the performance of forensic evaluations.

R156-78-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 78.

R156-78-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Section R156-1 is as described in Section R156-1-107.

R156-78-302b. Experience Requirement.

(1) An applicant for licensure verifying completion of the experience requirement established in Subsection 58-78-302(1)(e) with experience that was not completed under the supervision of a licensed vocational rehabilitation counselor must apply for licensure before January 1, 2011 for the applicant's experience to count toward completion of the experience requirement. Applicants for licensure who apply on or after January 1, 2011 must verify completion of experience under the supervision of a licensed vocational rehabilitation counselor.

(2) A maximum of 2,000 hours of supervised experience during any one year period may be credited toward the 4,000 hour supervised experience requirement.

R156-78-302d. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-78-302(1)(f), the examination requirements for licensure as a vocational rehabilitation counselor include passing the Certified Rehabilitation Counselor Examination administered by the Commission on Rehabilitation Counselor Certification.

R156-78-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the one-year renewal cycle applicable to licensees under Title 58, Chapter 78 is established by rule in Section R156-1-308a.

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

R156-78-304. Continuing Education.

(1) In accordance with Subsection 58-78-303(3), there is established a continuing education requirement for all individuals licensed under Title 58, Chapter 78 as a vocational rehabilitation counselor.

(2) During the annual license renewal period commencing April 1 of each year, a vocational rehabilitation counselor shall be required to complete not less than 20 hours of continuing education directly related to the licensee's professional practice of which a minimum of two hours must be completed in ethics/law.

(3) The required number of hours of continuing education for an individual who first becomes licensed during the one year period shall be decreased in a pro-rata amount equal to any part of that one year period preceding the date on which that individual first became licensed.

(4) Continuing education under this Section shall:

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training and experience to provide continuing education relevant to the practice of vocational rehabilitation counseling; and

(c) have a method of verification of attendance and completion.

(5) Credit for continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, conferences or training sessions which meet the criteria listed in Subsection (4) above, and which are approved by, conducted by, or under the sponsorship of:

(i) universities and colleges; or

(ii) professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of vocational rehabilitation counselors;

(b) a maximum of ten hours per one year period may be recognized for:

(i) teaching courses under Subsection (5)(a); or

(ii) supervision of an individual completing the experience requirement for licensure as a vocational rehabilitation counselor;

(c) a maximum of six hours per one year period may be recognized for clinical readings or in-service directly related to practice as a vocational rehabilitation counselor; and

(d) a maximum of 12 hours of continuing education per one year period may be recognized for internet or distance-learning courses that include an examination and issuance of a completion certificate.

(6) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of four years.

(7) A licensee requesting a waiver of the continuing education requirement must comply with requirements as established by rule in Section R156-1-308d.

R156-78-502. Unprofessional Conduct.

(1) "Unprofessional conduct" includes:

(a) violating any provision of the Code of Professional Ethics for Rehabilitation Counselors, published by the Commission on Rehabilitation Counselor Certification, effective January 1, 2002, which is hereby adopted and incorporated by reference;

(b) failing to report in writing to the Division unlawful or unprofessional conduct as defined in Section 58-78-501, 58-78-502 and this Section, by a person licensed under Title 58, Chapter 78 within ten days after learning of the conduct, if the conduct:

(i)(A) results in disciplinary action taken by the licensee's employer or a professional association; or

(B) results in a significant adverse impact on the public's health, safety or welfare; and

(ii) was not known by the licensee to have already been reported to the Division; and

(c) failing to provide general supervision as defined in Subsection R156-78-102(4).

KEY: licensing, vocational rehabilitation counselor
Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 58-78-101; 58-1-106(1)(a); 58-1-202(1)(a)

Commerce, Occupational and Professional Licensing
R156-79
Hunting Guides and Outfitters Licensing Act Rule

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 32821
FILED: 07/14/2009, 08:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2009 Legislative Session, H.B. 173 was passed which created Title 58, Chapter 79, Hunting Guides and Outfitters Licensing Act. This new rule is being proposed to clarify provisions of the new governing statute. (DAR NOTE: H.B. 173 (2009) is found at Chapter 52, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: This new rule provides for the following: title, definitions, authority/purpose, organization/relationship on Rule R156-1, application requirements, education requirements, examination requirements, good moral character requirements, experience requirements, renewal cycle/procedures, unprofessional conduct, content of hunting guide basic training programs, and content of outfitter basic training programs.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-79-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Adds Code of Ethics, published by the Utah Guides and Outfitters Association, dated July 1, 2006

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately $75 to print the rule and distribute it once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. Any additional costs to be incurred as a result of the Division now licensing hunting guides and outfitters were covered in the fiscal note which was completed for H.B. 173.

❖ LOCAL GOVERNMENTS: The proposed amendments only apply to applicants for licensure as a hunting guide or outfitter. As a result, the proposed amendments do not apply to local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The proposed amendments only apply to applicants for licensure as a hunting guide or outfitter. Any cost or saving impact to either small businesses or persons other than businesses brought about by this rule change comes as a result of the changes to the statute under H.B. 173. The fiscal note prepared by the Division in response to H.B. 173 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule filing. The Division estimates there to be about 100 individuals in Utah who are in the outfitter business and about 300 individuals who may apply for licensure as a hunting guide that will be affected by the newly enacted statute and the provisions of this rule. There will be an examination cost to applicants for licensure that is estimated to be approximately $85, which would result in an aggregate cost of approximately $34,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to applicants for licensure as a hunting guide or outfitter. Any cost or saving impact to affected persons brought about by this rule change comes as a result of the changes to the statute under H.B. 173. The fiscal note prepared by the Division in response to H.B. 173 should be reviewed for information regarding the legislative bill's cost and saving impact and in turn any anticipated costs or savings with respect to this clarifying rule filing. The Division estimates there to be about 100 individuals in Utah who are in the outfitter business and about 300 individuals who may apply for licensure as a hunting guide that will be affected by the newly enacted statute and the provisions of this rule. There will be an examination cost to applicants for licensure that is estimated to be approximately $85.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing administers the new Hunting Guides and Outfitters Licensing Act. No fiscal impact to businesses is anticipated beyond those addressed by the Legislature in passing the Act. Francine A. Giani, Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 8/04/2009 at 1:00 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 474 (fourth floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Mark B. Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-79. Hunting Guides and Outfitters Licensing Act Rule.
R156-79-101. Title.

This rule is known as the "Hunting Guides and Outfitters Licensing Act Rule".

R156-79-102. Definitions.

In addition to the definitions in Sections 58-1-102 and 58-79-102, which shall apply to this rule:

(1) "Client" means the person who engages the professional services of a licensed outfitter.

(2) "Certification of completion of a first aid and CPR course" means a valid certificate issued by the American Red Cross to denote the individual whose name and signature appear thereon has successfully completed an applicable American Red Cross first aid and CPR course.

(3) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement;

(f) a conviction which has been reduced pursuant to Subsection 76-3-402(1); or

(g) an equivalent of any of the above in another jurisdiction.

(4) "Packing" means transporting for hire or compensation hunters, game animals or equipment in the field.

(5) "Protecting" means the hunting guide and outfitter protects any clientele.

(6) "Responsible charge" means having principal care for the safety and welfare of a client when and where the hunting guide services are being provided.

(7) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 79, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-79-502.

R156-79-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 79.

R156-79-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Section R156-1 is as described in Section R156-1-107.

R156-79-302a. Qualifications for Licensure - Application Requirements.

In accordance with Subsections 58-1-203(1) and 58-1-301(3) and Section 58-79-302, the application requirements for licensure are defined herein.

(1) An application for licensure as a hunting guide shall be accompanied by:

(a) a current certification of criminal history record for the applicant issued by the state of Utah or the applicant's state of residency;

(b) a current certification of wildlife violation record for the applicant issued by the Utah Division of Wildlife Resources or the State Wildlife Agency of the applicant's state of residency;

(c) a verification of licensure from any state or territory of the United States or province of Canada in which the applicant has been licensed as a hunting guide; and

(d) a copy of a current photo identification for the applicant showing the applicant is at least 18 years of age. Acceptable photo identification shall include:

(i) a driver license issued by a state of the United States of America or the District of Columbia; or

(ii) an identification card issued by a federal, state or local government agency of the United States of America.

(2) An application for licensure as an outfitter shall be accompanied by:

(a) a current certification of criminal history record for the applicant issued by the state of Utah or the applicant's state of residency;

(b) a current certification of wildlife violation record for the applicant issued by the Utah Division of Wildlife Resources or the State Wildlife Agency of the applicant's state of residency;

(c) a verification of licensure from any state or territory of the United States or province of Canada in which the applicant has been licensed; and

(d) a copy of a current photo identification for the applicant showing the applicant is at least 18 years of age. Acceptable photo identification shall include:

(i) a driver license issued by a state of the United States of America or the District of Columbia; or

(ii) an identification card issued by a federal, state or local government agency of the United States of America.

R156-79-302b. Qualifications for Licensure - Education Requirements.

(1) For the purposes of this rule, to show an applicant has successfully completed the basic education, any hunting guide or outfitter applicant shall provide the following:

(a) documentation of having obtained a high school diploma or its equivalent or a higher education degree; and

(b) documentation showing the completion of a first aid and CPR course.

R156-79-302c. Qualifications for Licensure - Examination Requirements.

(1) For the purposes of this rule, to show an applicant possesses a minimum degree of skill and ability, the applicant shall meet one of the following requirements:

(a) an applicant as a hunting guide shall pass the Utah Hunting Guide Examination or the Utah Outfitters Examination with a passing score of at least 75%; or

(b) an applicant as an outfitter shall pass the Utah Outfitters Examination with a passing score of at least 75%.

(2) An individual who fails an examination may retake the failed examination as follows:

(a) no sooner then 30 days following any failure, up to three failures; and

(b) no sooner than six months following any failure thereafter.

(3) The examination shall include an assessment of the applicant's knowledge of the Division hunting guide and outfitter statute and rules, the Utah Division of Wildlife Resources statutes and rules, the United States Forest Service and the Federal Bureau of Land Management hunting guidelines and rules and the Utah Hunter Safety Course guidelines and rules.

R156-79-302d. Qualifications for Licensure - Good Moral Character.

(1) Any one or more of the following may disqualify an individual from obtaining or holding a hunting guide or outfitters license:

(a) violation of a state or federal wildlife, hunting guide or outfitter statute or regulation that includes:

(i) an imprisonment for more than five days within the previous five years;

(ii) an unsuspended fine of more than $2,000 imposed in the previously 12 months;

(iii) an unsuspended fine of more than $3,000 imposed in the previously 36 months; or

(iv) an unsuspended fine of more than $5,000 imposed in the previous 60 months;

(b) any felony conviction within the last five years;

(c) a conviction for a felony offense against a person under Title 78, Chapter 5, Utah Criminal Code, Offenses Against the Person, within the last ten years;

(d) a conviction for three or more misdemeanors involving wildlife violations;

(e) a conviction for a misdemeanor crime of moral turpitude;

(f) a suspension or disciplinary action involving an individual's right to obtain or exercise the privileges granted by a hunting guide or outfitter license in this state or another state of the United States, province of Canada, by the Federal Bureau of Land Management or by the United States Forest Service; and

(g) a loss of the right to hunt in this state or another state of the United States or province of Canada.

R156-79-302e. Qualifications for Licensure - Experience Requirements.

(1) For the purposes of this rule, to show an applicant meets the training requirements as a hunting guide, the applicant shall produce the following:

(a) documentation showing certification of completion of a basic hunting guide training program pursuant to Section R156-79-601; or

(b) document of 100 days of experience as a hunting guide.

(2) To show an applicant meets the training requirements as an outfitter, the applicant shall produce the following:

(a) documentation showing certification of completion of a basic outfitter training program pursuant to Section R156-79-602; or

(b) documentation of 100 days of experience as an outfitter.

(3) The documentation required in Subsections (1)(b) and (2)(b) shall include:

(a) an affidavit by either a hunting guide or outfitter attesting to the experience claimed by the applicant;

(b) self-authenticating guarantees of reliability include, but are not limited to:

(i) federal land agency records; and

(ii) client affidavits or letters.

(3) Three days of experience may be waived by the Division in collaboration with the Board for every day of training completed by an applicant who has attended a hunting guide or outfitter school approved by the Division in collaboration with the Board.

R156-79-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the one-year renewal cycle applicable to licensees under Title 58, Chapter 79 is established by rule in Section R156-1-308a.

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

R156-79-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) engaging in fraud in advertising or soliciting hunting guide or outfitter services to the public;

(2) intentionally obstructing or hindering or attempting to obstruct or hinder lawful hunting by a person who is not a client or an employee of the licensee;

(3) failing to promptly report, unless a reasonable means of communication is not readily available, and in no event later than 20 days, a violation of a state or federal wildlife, game or guiding statute that the licensee believes was committed by a client or an employee of the licensee;

(4) materially breaching a contract with a person using the hunting guide or outfitting services of the licensee;

(5) failing to provide any animal used in the conduct of business with proper food, drink and subjecting any animal used in the conduct of business to needless abuse or cruel and inhumane treatment;

(6) failing to allow the Division or its agents access at all times to inspect hunting camps, whether or not the licensee is present;

(7) failing to provide a hunting guide for every two hunters in wilderness areas and for up to six hunters in all other areas of the state;

(8) failing to maintain a neat, orderly and sanitary camp by not disposing of garbage, debris and human water appropriately;

(9) failing to provide clean drinking water or failing to protect all food from contamination;

(10) failing to separate livestock facilities and camp facilities and to protect streams from contamination;

(11) failing to report any serious injury or fatality to the client or outfitter staff to a federal, state, county or local law enforcement authority;

(12) failing to comply with state and federal laws and rules regarding hunting guides and outfitters;

(13) failing to comply with state and federal wildlife laws and rules;

(14) failing to provide and maintain general liability insurance coverage during the entire licensing period;

(15) failing as a licensee to carry an original license, as issued by the Division, at all times when providing outfitting or hunting guide services;

(16) providing outfitter services to a person who is not properly licensed to hunt for the species sought by that person; and

(17) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established by the Utah Guides and Outfitters Association, adopted July 1, 2006, which is hereby incorporated by reference.

R156-79-601. Content of the Hunting Guide Basic Training Program.

The basic training program for hunting guides as required in Subsection 58-79-302(1)(e) shall contain at least 30 days of basic instruction to include the following components or their equivalent:

(1) hunter ethics and attitude;
(2) horsemanship;
(3) packing skills;
(4) transporting livestock;
(5) shoeing skills;
(6) use of a crosscut saw and ax;
(7) use of a chain saw;
(8) general weapon knowledge;
(9) guiding skills;
(10) game care;
(11) setting up camps;
(12) hunting guide regulations;
(13) an American Red Cross first aid and CPR course;
(14) a basic off highway vehicle safety course;
(15) basic survival skills; and
(16) trophy judging skills.

R156-79-602. Content of the Outfitter Basic Training Program.

The basic training program for outfitters as required in Subsection 58-79-302(2)(e) shall contain at least 30 days of basic instruction to include the following components or their equivalent:

(1) hunter ethics and attitude;
(2) horsemanship;
(3) packing skills;
(4) transporting livestock;
(5) shoeing skills;
(6) use of a crosscut saw and ax;
(7) use of a chain saw;
(8) general weapon knowledge;
(9) guiding skills;
(10) game care;
(11) setting up camps;
(12) outfitter regulations;
(13) an American Red Cross first aid and CPR course;
(14) a basic off highway vehicle safety course;
(15) supervising clientele;
(16) hiring and supervising personnel;
(17) outfitter advertising;
(18) booking clientele;
(19) going into business for oneself;
(20) wilderness and back country manners;
(21) applying federal and state land use policies;
(22) obtaining all necessary licenses and permits and permissions for the client;
(23) providing staff and facilities for hunting;
(24) providing a hunting guide;
(25) basic survival skills; and
(26) trophy judging skills.

R156-79-701. Effective Date of Rule.

The effective date of this rule shall be January 1, 2010.

KEY: licensing, hunting guides, outfitters
Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 58-79-101; 58-1-106(1)(a); 58-1-202(1)(a)

♦ ♦

Environmental Quality, Drinking Water
R309-100
Administration: Drinking Water Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32806
FILED: 07/09/2009, 16:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Groundwater Requirements (Section R309-215-16). There are a total of seven amendments that address these rules (Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-205 is under DAR No. 32810, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Groundwater Requirements (Section R309-215-16) that address how often sanitary surveys must be done, what components of a public water system must be evaluated during a sanitary survey, and requirements for corrective action.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local

government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0.21 to $82.21 per household per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-100. Administration: Drinking Water Program.
R309-100-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-100-7. Sanitary Survey, [~~and~~]Evaluation, and Corrective Action of Existing Facilities.

(1) The Executive Secretary, after considering information gathered during sanitary surveys and facility evaluations, may make determinations of regulatory significance including: monitoring reductions or increases, treatment, variances and exemptions.

(2) CONDUCTING SANITARY SURVEYS

(a) The Executive Secretary shall ensure a sanitary survey is conducted at least every three years on all public water systems[~~except transient non-community water systems that use only protected and disinfected ground water~~]. The Executive Secretary may reduce this frequency to once every five years based on outstanding performance on prior sanitary surveys.[~~The Executive Secretary shall ensure a sanitary survey is conducted at least every ten years on all transient non-community water systems that use only disinfected ground water from protected ground water zones as designated under R309-600. The Executive Secretary shall conduct an initial sanitary survey by June 29, 1994, on community water systems that do not collect five or more routine bacteriologic samples per month and by June 29, 1999, on non-transient non-community and transient non-community water systems.~~]

(b) Sanitary surveys conducted by the following individuals under the circumstances as listed, may be used by the Executive Secretary for the above determinations:

(i) Division of Drinking Water personnel;

(ii) Utah Department of Environmental Quality District Engineers;

(iii) local health officials;

(iv) Forest Service engineers;

(v) Utah Rural Water Association staff;

(vi) consulting engineers; and

(vii) other qualified individuals authorized in writing by the Executive Secretary.

(3) Public water systems must provide the Executive Secretary, at the Executive Secretary's request, any existing information that will enable the State to conduct a sanitary survey.

(4) For the purposes of this subpart, a "sanitary survey", as conducted by the Executive Secretary, includes but is not limited to, an onsite review of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

(5) The sanitary survey must include an evaluation of the applicable components listed in paragraphs (5)(a) through (h) of this section:

(a) Source,

(b) Treatment,

(c) Distribution system,

(d) Finished water storage,

(e) Pumps, pump facilities, and controls,

(f) Monitoring, reporting, and data verification,

(g) System management and operation, and

(h) Operator compliance with State requirements.

[~~(3)~~](6) CONDITIONS ON CONDUCT OF SANITARY SURVEYS

In order for the groups of individuals listed in R309-100-7(2)(b) to conduct sanitary surveys acceptable for consideration by the Executive Secretary, the following criteria must be met:

(a) Surveys of all systems involving complete treatment plants must be performed by Division of Drinking Water staff or others authorized in writing by the Executive Secretary;

(b) Local Health officials may conduct surveys of systems within their respective jurisdictions;

(c) U.S. Forest Service (USFS) engineers may conduct surveys of water systems if the system is owned and operated by the USFS or USFS concessionaires;

(d) Utah Rural Water Association staff may conduct surveys of water systems if the system's population is less than 10,000;

(e) Consulting Engineers under the direction of a Registered Professional Engineer;

(f) Other qualified individuals who are authorized in writing by the Executive Secretary may conduct surveys.

[~~(4)~~](7) SANITARY SURVEY REPORT CONTENT

The Executive Secretary will prescribe the form and content of sanitary survey reports and be empowered to reject all or part of unacceptable reports.

[~~(5)~~](8) ACCESS TO WATER FACILITIES

Department of Environmental Quality employees after reasonable notice and presentation of credentials, may enter any part of a public water system at reasonable times to inspect the facilities and water quality records, conduct sanitary surveys, take samples and otherwise evaluate compliance with Utah's drinking water rules. All others who have been authorized by the Executive Secretary to conduct sanitary surveys must have the permission of the water system owner or designated representative before a sanitary survey may be conducted.

(9) CORRECTIVE ACTION

Public water systems must comply with requirements found in R309-215-16(3)(a)(iii), R309-215-16(3)(iv), R309-215-16(3)(a)(v), R309-215-16(3)(a)(vi), and R309-215-16(3)(vii).

[~~(6)~~](10) Refer to R309-100-8 and R309-105-6 for further requirements.

R309-100-8. Rating System.

The Executive Secretary shall assign a rating to each public water supply in order to provide a concise indication of its condition and performance. The criteria to be used for determining a water system's rating shall be as set forth in R309-[~~150~~]400.

R309-100-9. Orders and Emergency Actions.

(1) In situations in which a public water system fails to meet the requirements of these rules, the Board or the Executive Secretary may issue an order to a water supplier to take appropriate protective or corrective measures.

(2) Failure to comply with these rules or with an order issued by the Executive Secretary or the Board may result in the imposition of penalties as provided in the Utah Safe Drinking Water Act.

(3) The Executive Secretary may respond to emergency situations involving public drinking water, including emergency situations as described in R309-105-18, in a manner appropriate to protect the public health. The Executive Secretary's response may include the following:

(a) Issuing press releases to inform the public of any confirmed or possible hazards in their drinking water.

(b) Ordering water suppliers to take appropriate measures to protect public health, including issuance of orders pursuant to [~~63-46b-20~~]63G-4-502, if warranted.

KEY: drinking water, environmental protection, administrative procedures
Date of Enactment or Last Substantive Amendment: [~~September 13, 2005~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Environmental Quality, Drinking Water
R309-105
Administration: General Responsibilities of Public Water Systems

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32807
FILED: 07/09/2009, 16:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Groundwater Requirements (Section R309-215-16). There are a total of seven amendments that address these changes (Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-205 is under DAR No. 32810, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Groundwater Requirements (Section R309-215-16) that address reporting requirement for public water systems that take analysis as part of the Groundwater requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary

from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-105. Administration: General Responsibilities of Public Water Systems.
R309-105-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-105-10. Operation and Maintenance Procedures.

All routine operation and maintenance of public water supplies shall be carried out with due regard for public health and safety. The following sections describe procedures which shall be used in carrying out some common operation and maintenance procedures.

(1) Chemical Addition

(a) Water system operators shall determine that all chemicals added to water intended for human consumption are suitable for potable water use and comply with ANSI/NSF Standard 60.

(b) No chemicals or other substances shall be added to public water supplies unless the chemical addition facilities and chemical type have been reviewed and approved by the Division of Drinking Water.

(c) Chlorine, when used in the distribution system, shall be added in sufficient quantity to achieve either "breakpoint" and yield a detectable free chlorine residual or a detectable combined chlorine residual in the distribution system at points to be determined by the Executive Secretary. Residual checks shall [~~be taken daily~~]be taken a minimum of three times each week by the operator of any system using disinfectants. The Executive Secretary may, however, reduce the frequency of residual checks if he determines that this would be an unwarranted hardship on the water system operator and, furthermore, the disinfection equipment has a verified record of reliable operation. Suppliers, when checking for residuals, shall use test kits and methods which meet the requirements of the U.S. EPA. The "DPD" test method is recommended for free chlorine residuals. Information on the suppliers of this equipment is available from the Division of Drinking Water.

(2) New and Repaired Mains

(a) All new water mains shall meet the requirements of R309-550-6 with regard to materials of construction. All products in contact with culinary water shall comply with ANSI/NSF Standard 61.

(b) All new and repaired water mains or appurtenances shall be disinfected in accordance with AWWA Standard C651-92. The chlorine solution shall be flushed from the water main with potable water prior to the main being placed in use.

(c) All products used to recoat the interiors of storage structures and which may come in contact with culinary water shall comply with ANSI/NSF Standard 61.

(3) Reservoir Maintenance and Disinfection

After a reservoir has been entered for maintenance or re-coating, it shall be disinfected prior to being placed into service. Procedures given in AWWA Standard C651-92 shall be followed in this regard.

(4) Spring Collection Area Maintenance

(a) Spring collection areas shall be periodically cleared of deep rooted vegetation to prevent root growth from clogging collection lines. Frequent hand or mechanical clearing of spring collection areas is strongly recommended. It is advantageous to encourage the growth of grasses and other shallow rooted vegetation for erosion control and to inhibit the growth of more detrimental flora.

(b) No pesticide (e.g., herbicide) may be applied on a spring collection area without the prior written approval of the Executive Secretary. Such approval shall be given 1) only when acceptable pesticides are proposed; 2) when the pesticide product manufacturer certifies that no harmful substance will be imparted to the water; and 3) only when spring development meets the requirements of these rules (see R309-515-7).

(5) Security

All water system facilities such as spring junction boxes, well houses, reservoirs, and treatment facilities shall be secure.

(6) Seasonal Operation

Water systems operated seasonally shall be disinfected and flushed according to the techniques given in AWWA Standard C651-92 and C652-92 prior to each season's use. A satisfactory bacteriologic sample shall be achieved prior to use. During the non-use period, care shall be taken to close all openings into the system.

(7) Pump Lubricants

All oil lubricated pumps for culinary wells shall utilize mineral oils suitable for human consumption as determined by the Executive Secretary. To assure proper performance, and to prevent the voiding of any warranties which may be in force, the water supplier should confirm with individual pump manufacturers that the oil which is selected will have the necessary properties to perform satisfactorily.

R309-105-16. Reporting Test Results.

(1) If analyses are made by certified laboratories other than the state laboratory, these results shall be forwarded to the Division as follows:

(a) The supplier shall report to the Division the analysis of water samples which fail to comply with the Primary Drinking Water Standards of R309-200. Except where a different reporting period is specified in R309-205, R309-210 or R309-215, this report shall be submitted within 48 hours after the supplier receives the report from his lab. The Division may be reached at (801)536-4200.

(b) Monthly summaries of bacteriologic results shall be submitted within ten days following the end of each month.

(c) All results of TTHM samples shall be reported to the Division within 10 days of receipt of analysis for systems monitoring pursuant to R309-210-9.

(d) For all samples other than samples showing unacceptable results, bacteriologic samples or TTHM samples, the time between the receipt of the analysis and the reporting of the results to the Division shall not exceed 40 days.

(e) Arsenic sampling results shall be reported to the nearest 0.001 mg/L.

(f) There are additional reporting requirements in other sections of the rules, see R309-215-16(5).

(2) Disinfection byproducts, maximum residual disinfectant levels and disinfection byproduct precursors and enhanced coagulation or enhanced softening. This section applies to the reporting requirements of R309-210-8, R309-215-12 and R309-215-13. For the reporting requirements of R309-210-9, R309-210-10 and R309-215-15 are contained within R309-210-9, R309-210-10 and R309-215-15, respectively.

(a) Systems required to sample quarterly or more frequently shall report to the State within 10 days after the end of each quarter in which samples were collected. Systems required to sample less frequently than quarterly shall report to the State within 10 days after the end of each monitoring period in which samples were collected. The Executive Secretary may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information.

(b) Disinfection byproducts. Systems shall report the information specified.

(i) Systems monitoring for TTHMs and HAA5 under the requirements of R309-210-8(2) on a quarterly or more frequent basis shall report:

(A) The number of samples taken during the last quarter.

(B) The location, date, and result of each sample taken during the last quarter.

(C) The arithmetic average of all samples taken in the last quarter.

(D) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters.

(E) Whether, based on R309-210-8(6)(b)(i), the MCL was violated.

(ii) Systems monitoring for TTHMs and HAA5 under the requirements of R309-210-8(2) less frequently than quarterly (but at least annually) shall report:

(A) The number of samples taken during the last year.

(B) The location, date, and result of each sample taken during the last monitoring period.

(C) The arithmetic average of all samples taken over the last year.

(D) Whether, based on R309-210-8(6)(b)(i), the MCL was violated.

(iii) Systems monitoring for TTHMs and HAA5 under the requirements of R309-210-8(2) less frequently than annually shall report:

(A) The location, date, and result of the last sample taken.

(B) Whether, based on R309-210-8(6)(b)(i), the MCL was violated.

(iv) Systems monitoring for chlorite under the requirements of R309-210-8(2) shall report:

(A) The number of entry point samples taken each month for the last 3 months.

(B) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter.

(C) For each month in the reporting period, the arithmetic average of all samples taken in each three sample set taken in the distribution system.

(D) Whether, based on R309-210-8(6)(b)(ii), the MCL was violated.

(v) System monitoring for bromate under the requirements of R309-210-8(2) shall report:

(A) The number of samples taken during the last quarter.

(B) The location, date, and result of each sample taken during the last quarter.

(C) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.

(D) Whether, based on R309-210-8(6)(b)(iii), the MCL was violated.

(c) Disinfectants. Systems shall report the information specified to the Executive Secretary within ten days after the end of each month the system serves water to the public, except as otherwise noted:

(i) Systems monitoring for chlorine or chloramines under the requirements of R309-210-8(3)(a) shall report and certify, by signing the report form provided by the Executive Secretary, that all the information provided is accurate and correct and that any chemical introduced into the drinking water complies with ANSI/NSF Standard 60:

(A) The number of samples taken during each month of the last quarter.

(B) The monthly arithmetic average of all samples taken in each month for the last 12 months.

(C) The arithmetic average of all monthly averages for the last 12 months.

(D) The additional data required in R309-210-8(3)(a)(ii).

(E) Whether, based on R309-210-8(6)(c)(i), the MRDL was violated.

(ii) Systems monitoring for chlorine dioxide under the requirements of R309-210-8(3) shall report:

(A) The dates, results, and locations of samples taken during the last quarter.

(B) Whether, based on R309-210-8(6)(c)(ii), the MRDL was violated.

(C) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or nonacute.

(d) Disinfection byproduct precursors and enhanced coagulation or enhanced softening. Systems shall report the information specified.

(i) Systems monitoring monthly or quarterly for TOC under the requirements of R309-215-12 and required to meet the enhanced coagulation or enhanced softening requirements in R309-215-13(2)(b) or (c) shall report:

(A) The number of paired (source water and treated water) samples taken during the last quarter.

(B) The location, date, and results of each paired sample and associated alkalinity taken during the last quarter.

(C) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.

(D) Calculations for determining compliance with the TOC percent removal requirements, as provided in R309-215-13(3)(a).

(E) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in R309-215-13(2) for the last four quarters.

(ii) Systems monitoring monthly or quarterly for TOC under the requirements of R309-215-12 and meeting one or more of the alternative compliance criteria in R309-215-13(1)(b) or (c) shall report:

(A) The alternative compliance criterion that the system is using.

(B) The number of paired samples taken during the last quarter.

(C) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.

(D) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in R309-215-13(1)(b)(i) or (iii) or of treated water TOC for systems meeting the criterion in R309-215-13(1)(b)(ii).

(E) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in R309-215-13(1)(b)(v) or of treated water SUVA for systems meeting the criterion in R309-215-13(1)(b)(vi).

(F) The running annual average of source water alkalinity for systems meeting the criterion in R309-215-13(1)(b)(iii) and of treated water alkalinity for systems meeting the criterion in R309-215-13(1)(c)(i).

(G) The running annual average for both TTHM and HAA5 for systems meeting the criterion in R309-215-13(1)(b)(iii) or (iv).

(H) The running annual average of the amount of magnesium hardness removal (as $CaCO_3$, in mg/L) for systems meeting the criterion in R309-215-13(1)(c)(ii).

(I) Whether the system is in compliance with the particular alternative compliance criterion in R309-215-13(1)(b) or (c).

(3) The public water system, within 10 days of completing the public notification requirements under R309-220 for the initial public notice and any repeat notices, shall submit to the Division a certification that it has fully complied with the public notification regulations. The public water system shall include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

(4) All samples taken in accordance with R309-215-6 shall be submitted within 10 days following the end of the operational period specified for that particular treatment. Finished water samples results for the contaminant of concern that exceed the Primary Drinking Water Standards of R309-200, shall be reported to the Division within 48 hours after the supplier receives the report. The Division may be reached at (801) 536-4000.

(5) Documentation of operation and maintenance for point-of-use or point-of[-]-entry treatment units shall be provided to the Division annually. The Division shall receive the documentation by January 31 annually.

KEY: drinking water, watershed management
Date of Enactment or Last Substantive Amendment: [~~May 12,~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Environmental Quality, Drinking Water
R309-110
Administration: Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32808
FILED: 07/09/2009, 16:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Groundwater Requirements (Section R309-215-16). There are a total of seven amendments that address these rules (Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-205 is under DAR No. 32810, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Groundwater Requirements (Section R309-215-16) that address the definition of significant deficiencies.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-110. Administration: Definitions.
R309-110-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-110-4. Definitions.

As used in R309:

"Action Level" means the concentration of lead or copper in drinking water tap samples (0.015 mg/l for lead and 1.3 mg/l for copper) which determines, in some cases, the corrosion treatment, public education and lead line replacement requirements that a water system is required to complete.

. . . . . .

"Safe Yield" means the annual quantity of water that can be taken from a source of supply over a period of years without depleting the source beyond its ability to be replenished naturally in "wet years".

"Sanitary Seal" means a cap that prevents contaminants from entering a well through the top of the casing.

"scfm/sf" means standard cubic foot per minute per square foot and is one way of expressing flowrate of air at standard density through a filter or duct area.

"Secondary Disinfection" means the adding of an acceptable secondary disinfectant to assure that the quality of the water is maintained throughout the distribution system. The effectiveness is measured by maintaining detectable disinfectant residuals throughout the distribution system. Acceptable secondary disinfectants are chlorine, chloramine, and chlorine dioxide.

"Secondary Maximum Contaminant Level" means the advisable maximum level of contaminant in water which is delivered to any user of a public water system.

"Secretary to the Subcommittee" means that individual appointed by the Executive Secretary to conduct the business of the Subcommittee.

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

"Semi-Developed Camp" means a campground accessible by any type of vehicular traffic. Facilities are provided for both protection of site and comfort of users. Roads, trails and campsites are defined and basic facilities (water, flush toilets and/or vault toilets, tables, fireplaces or tent pads) are provided. These camps include but are not limited to National Forest campgrounds, Bureau of Reclamation campgrounds, and youth camps.

"Service Connection" means the constructed conveyance by which a dwelling, commercial or industrial establishment, or other water user obtains water from the supplier's distribution system. Multiple dwelling units such as condominiums or apartments, shall be considered to have a single service connection, if fed by a single line, for the purpose of microbiological repeat sampling; but shall be evaluated by the supplier as multiple "equivalent residential connections" for the purpose of source and storage capacities.

"Service Factor" means a rating on a motor to indicate an increased horsepower capacity beyond nominal nameplate capacity for occasional overload conditions.

"Service line sample" means a one-liter sample of water collected in accordance with R309-210-6(3)(b)(iii), that has been standing for at least 6 hours in a service line.

"Significant deficiencies" means defects in design, operation, or maintenance, or a failure or defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Executive Secretary

determines to be causing, or have potential for causing, the introduction of contamination into the water delivered to consumers.

"Single family structure" for the purposes of R309-210-6 only, means a building constructed as a single-family residence that is currently used as either a residence or a place of business.

"Small water system" means a public water system that serves 3,300 persons or fewer.

"Specialist" means a person who has successfully passed the written certification exam and meets the required experience, but who is not in direct employment with a Utah public drinking water system.

"Stabilized drawdown" means that there is less than 0.5 foot of change in water level measurements in a pumped well for a minimum period of six hours.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

"SOCs" means synthetic organic chemicals.

"Stabilized Drawdown" means the drawdown measurements taken during a constant-rate yield and drawdown test as outlined in subsection R309-515-14(10)(b) are constant (no change).

"Stock Tight" means a type of fence that can prevent the passage of grazing livestock through its boundary. An example of such fencing is provided by design drawing 02838-3 titled "Cattle Exclosure" designed by the U.S. Department of the Interior, Bureau of Land Management, Division of Technical Services (copies available from the Division).

"Subcommittee" means the Cross Connection Control Subcommittee.

"Supplier of water" means any person who owns or operates a public water system.

"Surface Water" means all water which is open to the atmosphere and subject to surface runoff (see also section R309-515-5(1)). This includes conveyances such as ditches, canals and aqueducts, as well as natural features.

"Surface Water Systems" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to filtration and disinfection (Federal SWTR subpart H) and the requirements of R309-215 "Monitoring and Water Quality: Treatment Plant Monitoring Requirements."

"Surface Water Systems (Large)" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to filtration and disinfection and serve a population of 10,000 or greater (Federal SWTR subpart P and L) and the requirements of R309-215 "Monitoring and Water Quality: Treatment Plant Monitoring Requirements."

"Surface Water Systems (Small)" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to filtration and disinfection and serve a population less than 10,000 (Federal SWTR subpart L, T and P (sanitary survey requirements)) and the requirements of R309-215 "Monitoring and Water Quality: Treatment Plant Monitoring Requirements."

"Susceptibility" means the potential for a PWS (as determined at the point immediately preceding treatment, or if no treatment is provided, at the entry point to the distribution system) to draw water contaminated above a demonstrated background water quality concentration through any overland or subsurface pathway. Such pathways may include cracks or fissures in or open areas of the surface water intake, and/or the wellhead, and/or the pipe/conveyance between the intake and the water distribution system or treatment.

. . . . . .

KEY: drinking water, definitions
Date of Enactment or Last Substantive Amendment: [~~May 12,~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Environmental Quality, Drinking Water
R309-200
Monitoring and Water Quality: Drinking Water Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32809
FILED: 07/09/2009, 16:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Lead and Copper Short Term Revisions. There are a total of three amendments that address these rules (Rules R309-200, R309-210, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-200 is under DAR No. 32809, to Rule R309-210 is under DAR No. 32811, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Lead and Copper Rule Short Term Revisions that address how the 90th percentile lead and copper result will be determined for small systems.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141.80 through 141.90 and 141.154

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-200, R309-210, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $657,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $6,570.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $5,677,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $56,770 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary

from $0 to $17 per household per year. The highest costs are associated with water systems that do not already notify the public. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0 to $17 per household per year. The highest costs are associated with the small water systems that do not already notify the public. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-200. Monitoring and Water Quality: Drinking Water Standards.
R309-200-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63-46a of the same, known as the Administrative Rulemaking Act.

R309-200-4. General.

(1) Maximum contaminant levels (MCLs) and treatment techniques are herein established for those routinely measurable substances which may be found in water supplies. "Primary" standards and treatment techniques are established for the protection of human health. "Secondary" regulations are established to provide guidance in evaluating the aesthetic qualities of drinking water.

(2) The applicable "Primary" standards and treatment techniques shall be met by all public drinking water systems. The "Secondary" standards are recommended levels which should be met in order to avoid consumer complaint.

(3) The methods used to determine compliance with these maximum contaminant levels and treatment techniques are given in R309-205 through R309-215. Analytical techniques which shall be followed in making the required determinations shall be as given in 40 CFR 141 as published on July 1, 200~~8~~[~~6~~] by the Office of the Federal Register.

(4) Unless otherwise required by the Board, the effective dates on which new analytical methods shall be initiated are identical to the dates published in 40 CFR 141 on July 1, 200~~8~~[~~6~~] by the Office of the Federal Register.

(5) If the water fails to meet these minimum standards, then certain public notification procedures shall be carried out, as outlined in R309-220. Water suppliers shall also keep analytical records in their possession, for a required length of time, as outlined in R309-105-17.

R309-200-5. Primary Drinking Water Standards.

(1) Inorganic Contaminants.

(a) The maximum contaminant levels (MCLs) for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, sodium, thallium and total dissolved solids are applicable to community and non-transient non-community water systems.

(b) The MCLs for nitrate, nitrite, and total nitrate, nitrite and sulfate are applicable to community, non-transient non-community, and transient non-community water systems.

(c) The maximum contaminant levels for inorganic chemicals are listed in Table 200-1.

TABLE 200-1
PRIMARY INORGANIC CONTAMINANTS

Contaminant	Maximum Contaminant Level
1. Antimony	0.006 mg/L
2. Arsenic	0.010 mg/L (see Note 5 below)
3. Asbestos	7 Million Fibers/liter (longer than 10 um)
4. Barium	2 mg/L
5. Beryllium	0.004 mg/L
6. Cadmium	0.005 mg/L
7. Chromium	0.1 mg/L
8. Cyanide (as free Cyanide)	0.2 mg/L
9. Fluoride	4.0 mg/L
10. Mercury	0.002 mg/L
11. Nickel	--- (see Note 1 below)
12. Nitrate	10 mg/l (as Nitrogen) (see Note 4 below)
13. Nitrite	1 mg/L (as Nitrogen)
14. Total Nitrate and Nitrite	10 mg/L (as Nitrogen)
15. Selenium	0.05 mg/L
16. Sodium	--- (see Note 1 below)
17. Sulfate	1000 mg/L (see Note 2 below)
18. Thallium	0.002 mg/L
19. Total Dissolved Solids	2000 mg/L (see Note 3 below)

NOTE:

(1) No maximum contaminant level has been established for nickel and sodium. However, these contaminant shall be monitored and reported in accordance with the requirements of R309-205-5(3).

(2) If the sulfate level of a public (community, NTNC and non-community) water system is greater than 500 mg/L, the supplier shall satisfactorily demonstrate that:

(a) No better quality water is available, and
(b) The water shall not be available for human consumption from commercial establishments.
In no case shall the Board allow the use of water having a sulfate level greater than 1000 mg/L.
(3) If TDS is greater than 1000 mg/L, the supplier shall satisfactorily demonstrate to the Board that no better water is available. The Board shall not allow the use of an inferior source of water if a better source of water (i.e. lower in TDS) is available.
(4) In the case of a non-community water systems which exceed the MCL for nitrate, the Executive Secretary may allow, on a case-by-case basis, a nitrate level not to exceed 20 mg/L if the supplier can adequately demonstrate that:
(a) such water will not be available to children under 6 months of age as may be the case in hospitals, schools and day care centers; and
(b) there will be continuous posting of the fact that nitrate levels exceed 10 mg/L and the potential health effect of exposure in accordance with R309-220-12; and
(c) the water is analyzed in conformance to R309-205-5(4); and
(d) that no adverse health effects will result.
(5) The maximum contaminant level for arsenic is 0.05 mg/L until January 23, 2006. The MCL of 0.010 mg/L is effective for the purposes of compliance on January 23, 2006.

(2) Lead and copper.

(a) The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with R309-210-6(3) is greater than 0.015 mg/L (i.e., if the "90th percentile" lead level is greater than 0.015 mg/L).

(b) The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with R309-210-6(3) is greater than 1.3 mg/L (i.e., if the "90th percentile" copper level is greater than 1.3 mg/L).

(c) The 90th percentile lead and copper levels shall be computed as follows:

(i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

(ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.

(iii) The contaminant concentration in the numbered sample yielded by the calculation in paragraph (c)(ii) above is the 90th percentile contaminant level.

(iv) For water systems serving fewer than 100 people that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(v) For a public water system that has been allowed by the Executive Secretary to collect fewer than five samples in accordance with R309-210-6(3)(c), the sample result with the highest concentration is considered the 90th percentile value.

(3) Organic Contaminants.

The following are the maximum contaminant levels for organic chemicals. For the purposes of R309-100 through R309-R309-605, organic chemicals are divided into three categories: Pesticides/PCBs/SOCs, volatile organic contaminants (VOCs) and total trihalomethanes.

. . . . . .

KEY: drinking water, quality standards, regulated contaminants
Date of Enactment or Last Substantive Amendment: [~~March 6, 2007~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; 63-46b-4

Environmental Quality, Drinking Water
R309-205
Monitoring and Water Quality: Source Monitoring Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32810
FILED: 07/09/2009, 16:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Groundwater Requirements (Section R309-215-16). There are a total of seven amendments that address these rules (Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-205 is under DAR No. 32810, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Groundwater Requirements (Section R309-215-16) that address the monitoring requirements for microbiological contaminants.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-205. Monitoring and Water Quality: Source Monitoring Requirements.
R309-205-1. Purpose.

The purpose of this rule is to outline the monitoring requirements for public water systems with regard to their water sources.

R309-205-2. Authority.
R309-205-3. Definitions.
R309-205-4. General.
R309-205-5. Inorganic Chemical Monitoring
(1) Monitoring Protocols and Compliance Determinations
(2) Asbestos Source Monitoring
(3) Inorganic and Metals Monitoring
(4) Nitrate Monitoring
(5) Nitrite Monitoring.
R309-205-6. Organic Monitoring.
(1) Pesticide/PCBs/SOCs
(2) Volatile Organic Contaminant Monitoring
R309-205-7. Radiological Chemical Monitoring.
R309-205-8. Turbidity Monitoring.
R309-205-9. Microbiological Contaminants.

R309-205-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-205-9. Microbiological Contaminants.

(1) Sources may be required to monitor for microbioal contaminants elsewhere in these rules. For example see R309-215-16(1)(a)(ii) and R309-215-16(2).

KEY: drinking water, source monitoring, compliance determinations
Date of Enactment or Last Substantive Amendment: [~~September 13, 2005~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Environmental Quality, Drinking Water
R309-210
Monitoring and Water Quality: Distribution System Monitoring Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32811
FILED: 07/09/2009, 16:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Lead and Copper Short Term Revisions. There are a total of three amendments that address these rules (Rules R309-200, R309-210, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-200 is under DAR No. 32809, to Rule R309-210 is under DAR No. 32811, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Lead and Copper Short Term Revisions that address public education, corrosion control, and monitoring.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141.80 through 141.90 and 141.154

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-210, R309-210, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $657,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $6,570.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $5,677,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $56,770 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0 to $17 per household per year. The highest costs are associated with water systems that do not already notify the public. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0 to $17 per household per year. The highest costs are associated with the small water systems that do not already notify the public. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-210. Monitoring and Water Quality: Distribution System Monitoring Requirements.
R309-210-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-210-6. Lead and Copper Monitoring.

(1) General requirements.

(a) Applicability and effective dates

(i) The requirements of R309-210-6. unless otherwise indicated, apply to community water systems and non-transient non-community water systems (hereinafter referred to as water systems or systems).

[~~(ii) The requirements in R309-210-6(2), R309-210-6(4), and R309-210-6(7) shall take effect December 7, 1992.~~

]](b) R309-210-6 establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.

(c) Corrosion control treatment requirements

(i) All water systems shall install and operate optimal corrosion control treatment. However, any water system that complies with the applicable corrosion control treatment requirements specified by the Executive Secretary under R309-210-6(2) and R309-210-6(4)(a) shall be deemed in compliance with this treatment requirement.

(d) Source water treatment requirements

Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Executive Secretary under R309-210-6(4)(b).

(e) Lead service line replacement requirements

Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in R309-210-6(4)(c).

(f) Public education requirements

Pursuant to R309-210-6(7), all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements.[~~Public education requirements~~

~~Any system exceeding the lead action level shall implement the public education requirements contained in R309-210-6(7).~~]

(g) Monitoring and analytical requirements

Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with R309-210-6(3), R309-210-6(5), R309-210-6(6) and R309-200-8.

(h) Reporting requirements

Systems shall report to the Executive Secretary any information required by the treatment provisions of this subpart and R309-210-6(8).

(i) Recordkeeping requirements

Systems shall maintain records in accordance with R309-105-17(2).

(j) Violation of primary drinking water rules

Failure to comply with the applicable requirements of R309-210-6., including requirements established by the Executive Secretary pursuant to these provisions, shall constitute a violation of the primary drinking water regulations for lead and/or copper.

(2) Applicability of corrosion control treatment steps to small, medium-size and large water systems.

(a) Systems shall complete the applicable corrosion control treatment requirements described in R309-210-6(4)(a) by the deadlines established in this section.

(i) A large system (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in R309-210-6(2)(d), unless it is deemed to have optimized corrosion control under R309-210-6(2)(b)(ii) or (b)(iii).

(ii) A small system (serving less than 3300 persons) and a medium-size system (serving greater than 3,300 and less than 50,000 persons) shall complete the corrosion control treatment steps specified in R309-210-6(2)(e), unless it is deemed to have optimized corrosion control under R309-210-6(2)(b)(i), (b)(ii), or (b)(iii).

(b) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the criteria in paragraphs (b)(i) through (b)(iii) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Executive Secretary determines appropriate to ensure optimal corrosion control treatment is maintained.

(i) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with R309-210-6(3).

(ii) Any water system may be deemed by the Executive Secretary to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Executive Secretary that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Executive Secretary makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with R309-210-6(4)(a)(vi). Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Executive Secretary designated optimal water quality control parameters in accordance with R309-210-6(4)(a)(vii) and continue to conduct lead and copper tap and water quality parameter sampling in accordance with R309-210-6(3)(d)(iii) and R309-210-6(5)(d), respectively. A system shall provide the Executive Secretary with the following information in order to support a determination under this paragraph:

(A) the results of all test samples collected for each of the water quality parameters in R309-210-6(4)(a)(iii)(C).

(B) a report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in R309-210-6(4)(a)(iii)(A), the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;

(C) a report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and

(D) the results of tap water samples collected in accordance with R309-210-6(3) at least once every six months for one year after corrosion control has been installed.

(iii) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with R309-210-6(3) and source water monitoring conducted in accordance with R309-210-6(6) that demonstrates for two consecutive six-month monitoring periods that the difference between the 90th percentile tap water lead level computed under R309-200-5(2)(c), and the highest source water lead concentration, is less than the Practical Quantitation Level (PQL) for lead as specified in R309-104-8.

(A) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two consecutive 6-month monitoring periods.

(B) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three calendar years using the reduced number of sites specified in R309-210-6(3)(c) and collecting the samples at times and locations specified in R309-210-6(3)(d)(iv)(D). Any such system that has not conducted a round of monitoring pursuant to R309-210-6(3)(d) since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

(C) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Executive Secretary in writing pursuant to R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Executive Secretary must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system.[~~Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Executive Secretary in writing pursuant to R309-210-6(8)(a)(iii) of any change in treatment or the addition of a new source.~~] The Executive Secretary may require any such system to conduct additional monitoring or to take other action the Executive Secretary deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

(D) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (b)(iii)(E) of this section unless it meets the copper action level.

(E) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (e) of this section. Any such large system shall adhere to the schedule specified in that paragraph for medium-size systems, with the time periods for completing each step

being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

(c) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to R309-210-6(3) and submits the results to the Executive Secretary. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Executive Secretary, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Executive Secretary may require a system to repeat treatment steps previously completed by the system where the Executive Secretary determines that this is necessary to implement properly the treatment requirements of this section. The Executive Secretary shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small or medium size system to implement corrosion control treatment steps in accordance with paragraph (e) of this section (including systems deemed to have optimized corrosion control under paragraph (b)(i) of this section) is triggered whenever any small or medium size system exceeds the lead or copper action level.

(d) Treatment steps and deadlines for large systems

Except as provided in R309-210-6(2)(b)(ii) and (b)(iii), large systems shall complete the following corrosion control treatment steps by the indicated dates.

(i) Step 1: The system shall conduct initial monitoring (R309-210-6(3)(d)(i) and R309-210-6(5)(b)) during two consecutive six-month monitoring periods by January 1, 1993.

(ii) Step 2: The system shall complete corrosion control studies (R309-210-6(4)(a)(iii)) by July 1, 1994.

(iii) Step 3: The Executive Secretary shall designate optimal corrosion control treatment (R309-210-6(4)(a)(iv)) by January 1, 1995.

(iv) Step 4: The system shall install optimal corrosion control treatment (R309-210-6(4)(a)(v)) by January 1, 1997.

(v) Step 5: The system shall complete follow-up sampling (R309-210-6(3)(d)(ii) and R309-210-6(5)(c)) by January 1, 1998.

(vi) Step 6: The Executive Secretary shall review installation of treatment and designate optimal water quality control parameters (R309-210-6(4)(a)(vi)) by July 1, 1998.

(vii) Step 7: The system shall operate in compliance with the Executive Secretary specified optimal water quality control parameters (R309-210-6(4)(a)(vii)) and continue to conduct tap sampling (R309-210-6(3)(d)(iii) and R309-210-6(5)(d)).

(e) Treatment steps and deadlines for small and medium-size systems

Except as provided in R309-210-6(2)(b), small and medium-size systems shall complete the following corrosion control treatment steps by the indicated time periods.

(i) Step 1: The system shall conduct initial tap sampling (R309-210-6(3)(d)(i) and R309-210-6(5)(b) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under R309-210-6(3)(d)(iv). A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (R309-210-6(4)(a)) within six months after the end of the monitoring period during which it exceeds one of the action levels.[~~A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (R309-210-6(4)(a)(i)) within six months after it exceeds one of the action levels.~~]

(ii) Step 2: Within 12 months after the end of the monitoring period during which a system exceeds the lead or copper action level, the Executive Secretary may require the system to perform corrosion control studies (R309-210-6(4)(b)).[~~Step 2: Within 12 months after a system exceeds the lead or copper action level, the Executive Secretary may require the system to perform corrosion control studies (R309-210-6(4)(a)(ii)).~~] If the Executive Secretary does not require the system to perform such studies, the Executive Secretary shall specify optimal corrosion control treatment (R309-210-6(4)(a)(iv)) within the following time-frames:

(A) for medium-size systems, within 18 months after the end of the monitoring period during which such system exceeds the lead or copper action level,[~~for medium-size systems, within 18 months after such system exceeds the lead or copper action level,~~]

(B) for small systems, within 24 months after the end of the monitoring period during which such system exceeds the lead or copper action level.[~~for small systems, within 24 months after such system exceeds the lead or copper action level.~~]

(iii) Step 3: If the Executive Secretary requires a system to perform corrosion control studies under step 2, the system shall complete the studies (R309-210-6(4)(a)(iii)) within 18 months after the Executive Secretary requires that such studies be conducted.

(iv) Step 4: If the system has performed corrosion control studies under step 2, the Executive Secretary shall designate optimal corrosion control treatment (R309-210-6(4)(a)(iv)) within 6 months after completion of step 3.

(v) Step 5: The system shall install optimal corrosion control treatment (R309-210-6(4)(a)(v)) within 24 months after the Executive Secretary designates such treatment.

(vi) Step 6: The system shall complete follow-up sampling (R309-210-6(3)(d)(ii) and R309-210-6(5)(c)) within 36 months after the Executive Secretary designates optimal corrosion control treatment.

(vii) Step 7: The Executive Secretary shall review the system's installation of treatment and designate optimal water quality control parameters (R309-210-6(4)(a)(vi)) within 6 months after completion of step 6.

(viii) Step 8: The system shall operate in compliance with the Executive Secretary-designated optimal water quality control parameters (R309-210-6(4)(a)(vii)) and continue to conduct tap sampling (R309-210-6(3)(d)(iii) and R309-210-6(5)(d)).

(3) Monitoring requirements for lead and copper in tap water.

(a) Sample site location

(i) By the applicable date for commencement of monitoring under R309-210-6(3)(d)(i), each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in R309-210-6(3)(c). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(ii) A water system shall use the information on lead, copper, and galvanized steel when conducting a materials evaluation. When an evaluation of this information is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in R309-210-6(3)(a), the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g.,

checking service line materials when reading water meters or performing maintenance activities):

(A) all plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(B) all inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(C) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(iii) The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that:

(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(B) are served by a lead service line.

When multiple-family residences comprise at least 20 percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

(iv) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "tier 2 sampling sites", consisting of buildings, including multiple-family residences that:

(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(B) are served by a lead service line.

(v) Any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with "tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient tier 1, tier 2 and tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(vi) The sampling sites selected for a non-transient non-community water system ("tier 1 sampling sites") shall consist of buildings that:

(A) contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or

(B) are served by a lead service line.

(vii) A non-transient non-community water system with insufficient tier 1 sites that meet the targeting criteria in R309-210-6(3)(a)(vi) shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete its sampling pool, the non-transient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(viii) Any water system whose distribution system contains lead service lines shall draw 50 percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and 50 percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(b) Sample collection methods

(i) All tap samples for lead and copper collected in accordance with this section, with the exception of lead service line samples collected under R309-210-6(4)(c)(iii) and samples collected under (b)(v) of this section, shall be first draw samples.

(ii) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to paragraph (b)(v) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems with residents handling nitric acid, acidification of first draw samples may be done up to fourteen days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in R309-200-4(3). If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(iii) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours. Lead service line samples shall be collected in one of the following three ways:

(A) at the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(B) tapping directly into the lead service line; or

(C) if the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(iv) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(v) A non-transient non-community water system, or a community water system that meets the criteria for R309-210-6(7)(b)(vii)[~~R309-210-6(7)(c)(vii)(A) and (B)~~], that does not have enough taps that can supply first draw samples, as defined in R309-110, may apply to the Executive Secretary in writing to substitute non-first-draw samples. Such systems must collect as many first draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The Executive Secretary herein waives the requirement for prior Executive Secretary approval of non-first draw samples sites selected by the system.

(c) Number of samples

Water systems shall collect at least one sample during each monitoring period specified in R309-210-6(3)(d) from the number of sites listed in the first column (standard monitoring) in Table 210-3. A system conducting reduced monitoring under R309-210-6(3)(d)(iv) may collect one sample from the number of sites specified in the second column (reduced monitoring) in Table 210-3 during each monitoring period specified in R309-210-6(3)(d)(iv). Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human consumption meeting the sample site criteria of R309-210-6(6)(a) to reach the required number of sample sites listed in paragraph (c) of this section, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the Executive Secretary may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (c) of this section, provided that 100 percent of all taps that can be used for human consumption are sampled. The Executive Secretary must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the Executive Secretary. The Executive Secretary may specify sampling locations when a system is conducting reduced monitoring to ensure that fewer number of sampling sites are representative of the risk to public health as outlined in R309-210-6(3)(a).

TABLE 210-3
NUMBER OF LEAD AND COPPER SAMPLING SITES

System Size (# People Served)	# of sites (Standard Monitoring)	# of sites (Reduced Monitoring)
Greater than 100,000	100	50
10,001[-] to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
100 or less	5	5

(d) Timing of monitoring

(i) Initial tap sampling

The first six-month monitoring period for small, medium-size and large systems shall begin on the following dates in Table 210-4:

TABLE 210-4
INITIAL LEAD AND COPPER MONITORING PERIODS

System Size (# People Served)	First six-month Monitoring Period Begins On
Greater than 50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
3,300 or less	July 1, 1993

(A) All large systems shall monitor during two consecutive six-month periods.

(B) All small and medium-size systems shall monitor during each six-month monitoring period until:

(I) the system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under R309-210-6(2), in which case the system shall continue monitoring in accordance with R309-210-6(3)(d)(ii), or

(II) the system meets the lead and copper action levels during two consecutive six-month monitoring periods, in which case the system may reduce monitoring in accordance with R309-210-6(3)(d)(iv).

(ii) Monitoring after installation of corrosion control and source water treatment

(A) Any large system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(d)(iv) shall monitor during two consecutive six-month monitoring periods by the date specified in R309-210-6(2)(d)(v).

(B) Any small or medium-size system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(e)(v) shall monitor during two consecutive six-month monitoring periods by the date specified in R309-210-6(2)(e)(vi).

(C) Any system which installs source water treatment pursuant to R309-210-6(4)(b)(i)(C) shall monitor during two consecutive six-month monitoring periods by the date specified in R309-210-6(4)(b)(i)(D).

(iii) Monitoring after Executive Secretary specifies water quality parameter values for optimal corrosion control

After the Executive Secretary specifies the values for water quality control parameters under R309-210-6(4)(a)(vi), the system shall monitor during each subsequent six-month monitoring period, with the first monitoring period to begin on the date the Executive Secretary specifies the optimal values under R309-210-6(4)(a)(vi).

(iv) Reduced monitoring

(A) A small or medium-size water system that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with R309-210-6(3)(c), Table 210-3, and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five samples as specified in paragraph (c) of this section, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

(B) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(f) during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with paragraph (c) of this section if it receives written approval from the Executive Secretary. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Executive Secretary shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309-210-6(8), and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Executive Secretary shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.[~~Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(a)(vi) during each of two consecutive~~

~~six-month monitoring periods may reduce the frequency of monitoring to once per year and reduce the number of lead and copper samples in accordance with R309-210-6(3)(c), Table 210-3 if it receives written approval from the Executive Secretary. The Executive Secretary shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309-210-6(8), and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Executive Secretary shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~]

(C) A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(f) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the Executive Secretary. Samples collected once every three years shall be collected no later than every third calendar year. The Executive Secretary shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309-210-6(8), and shall notify the system in writing when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The Executive Secretary shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.[~~A small or medium-size water system that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years. Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(a)(vi) during three consecutive years of monitoring may reduce the frequency of monitoring from annually to once every three years if it receives written approval from the Executive Secretary. The Executive Secretary shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with R309-210-6(8), and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring to once every three years. The Executive Secretary shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.~~]

(D) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in R309-210-6(3)(a). Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Executive Secretary has approved a different sampling period in accordance with paragraph (d)(iv)(D)(I) of this section.

(I) The Executive Secretary, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Executive Secretary shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the State in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.[~~The Executive Secretary, at its discretion, may approve a different period for conducting the lead and copper sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Executive Secretary shall designate a period that represents a time of normal operation for the system.~~]

(II) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Executive Secretary approval to alter their sample collection period under paragraph (d)(iv)(D)(I) of this section, must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive Executive Secretary approval to alter the sampling collection period as per (d)(iv)(D)(I) of this section, must collect their next round of samples during a time period that ends no later than 45 months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section. Small systems with waivers, granted pursuant to paragraph (g) of this section, that have been collecting samples during the months of June through September and receive Executive Secretary approval to alter their sample collection period under paragraph (d)(iv)(D)(I) of this section must collect their next round of samples before the end of the 9 year period.

(E) Any water system that demonstrates for two consecutive 6 month monitoring periods that the tap water lead level computed under R309-200-5(2)(c) is less than or equal to 0.005 mg/L and the tap water copper level computed under R309-200-5(2)(c) is less than or equal to 0.65 mg/L may reduce the number of samples in accordance paragraph (c) of this section and reduce the frequency of sampling to once every three calendar years.

(F)(I) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance R309-210-6(3)(d)(iii) and collect the number of samples specified for standard monitoring under R309-210-6(3)(c), Table 210-3. Such system shall also conduct water quality parameter monitoring in accordance with R309-210-6(5)(b), (c) or (d) (as appropriate) during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent consecutive six month rounds of monitoring that meet the criteria of paragraph (d)(iv)(A) of this section or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates

through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(vi)(C) or (d)(iv)(D) of this section.

(II) Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Executive Secretary under R309-210-6(4)(f) for more than nine days in any six-month period specified in R309-210-6(5)(d) shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (d)(iii) of this section, collect the number of samples specified for standard monitoring under paragraph (c) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with R309-210-6(5)(d). This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:[~~Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Executive Secretary under R309-210-6(4)(a)(vi) for more than 9 days in any six month period specified in R309-210-6(5)(d) shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (d)(iii) of this section, collect the number of samples specified for standard monitoring under paragraph (c) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with sec R309-210-6(5)(d). Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:~~]

(aa) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (c) of this section after it has completed two subsequent six month rounds of monitoring that meet the criteria of paragraph (d)(iv)(B) of this section and the system has received written approval from the Executive Secretary that it is appropriate to resume reduced monitoring on an annual frequency. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

(bb) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (d)(iv)(C) or (d)(iv)(E) of this section and the system has received written approval from the Executive Secretary that it is appropriate to resume triennial monitoring.

(cc) The system may reduce the number of water quality parameter tap water samples required in accordance with R309-210-6(5)(e)(i) and the frequency with which it collects such samples in accordance with R309-210-6(5)(e)(ii). Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of R309-210-6(5)(e)(ii), that it has requalified for triennial monitoring.

(G) Any water system subject to a reduced monitoring frequency under paragraph (d)(iv) of this section shall notify the Executive Secretary in writing in accordance with R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Executive Secretary must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system.[~~Any water system subject to a reduced monitoring frequency under paragraph (d)(iv) of this section that either adds a new source of water or changes any water treatment shall inform the Executive Secretary in writing in accordance with R309-210-6(8)(a)(iii).~~] The Executive Secretary may require the system to resume sampling in accordance with paragraph (d)(iii) of this section and collect the number of samples specified for standard monitoring under paragraph (c) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations.

(e) Additional monitoring by systems

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Executive Secretary in making any determinations (i.e., calculating the 90th percentile lead or copper level).

(f) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under Sec. 141.80 (c) (3) or toward meeting the minimum monitoring requirements of paragraph (c) of this section.

(i) The Executive Secretary may invalidate a lead or copper tap water sample at least if one of the following conditions is met.

(A) The laboratory establishes that improper sample analysis caused erroneous results.

(B) The Executive Secretary determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(C) The sample container was damaged in transit.

(D) There is substantial reason to believe that the sample was subject to tampering.

(ii) The system must report the results of all samples to the Executive Secretary and all supporting documentation for samples the system believes should be invalidated.

(iii) To invalidate a sample under paragraph (f)(i) of this section, the decision and the rationale for the decision must be documented in writing. The Executive Secretary may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(iv) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (c) of this section. Any such replacement samples must be taken as soon as possible, but no later than 20 days after the date the Executive Secretary invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(g) Monitoring waivers for small systems. Any small system that meets the criteria of this paragraph may apply to the Executive Secretary to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a full waiver) if it meets all of the materials criteria specified in paragraph (g)(i) of this section and all of the monitoring criteria specified in paragraph (g) (ii) of this section. Any small system that meets the criteria in paragraphs (g) (i) and (ii) of this section only for lead, or only for copper, may apply to the Executive Secretary for a waiver to reduce the frequency of

tap water monitoring to once ever nine years for that contaminant only (i.e., a partial waiver).

(i) Materials criteria. The system must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(A) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a lead waiver), the water system must provide certification and supporting documentation to the Executive Secretary that the system is free of all lead-containing materials, as follows:

(I) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

(II) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA section 1417 (e)).

(B) Copper. To qualify for a full waiver, or waiver of the tap water monitoring requirements for copper (i.e., a copper waiver), the water system must provide certification and supporting documentation to the Executive Secretary that the system contains no copper pipes or copper service lines.

(ii) Monitoring criteria for waiver issuance. The system must have completed at least one 6-month round of standard tap water monitoring for lead and copper at sites approved by the Executive Secretary and from the number of sites required by paragraph (c) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.

(A) Lead levels. To qualify for a full waiver, or a lead waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

(B) Copper levels. To qualify for a full waiver, or a copper waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.65 mg/L.

(iii) Executive Secretary approval of waiver application. The Executive Secretary shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Executive Secretary may require the system to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system must continue monitoring for lead and copper at the tap as required by paragraphs (d) (i) through (d) (iv) of this section, as appropriate, until it receives written notification from the Executive Secretary the waiver has been approved.

(iv) Monitoring frequency for systems with waivers.

(A) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with paragraph (d)(iv)(D) of this section at the reduced number of sampling sites identified in paragraph (c) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(i) of this section for both lead and copper to the Executive Secretary along with the monitoring results. Samples collected every nine years shall be collected no later than every ninth calendar year.

(B) A system with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with paragraph (d)(iv)(D) of this section at the reduced number of sampling sites specified in paragraph (c) of this section at least once every nine years and provide the materials certification specified in paragraph (g)(i) of this section pertaining to the waived contaminant along with the monitoring results. Such a system also must continue to monitor for the non-waived contaminant in accordance with requirements of paragraph (d)(i) through (d)(iv) of this section, as appropriate.

(C) Any water system with a full or partial waiver shall notify the Executive Secretary in writing in accordance with R309-210-6(8)(a)(iii) of any upcoming long-term change in treatment or addition of a new source, as described in that section. The Executive Secretary must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system.[~~If a system with a full or partial waiver adds a new source of water or changes any water treatment, the system must notify the Executive Secretary in writing in accordance with R309-210-6(8)(a)(iii).~~] The Executive Secretary has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

(D) If a system with a full or partial waiver because aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the system shall notify the Executive Secretary in writing no later than 60 days after becoming aware of such a change.

(v) Continued eligibility. If the system continues to satisfy the requirements of paragraph (g) (iv) of this section, the waiver will be renewed automatically, unless any of the conditions listed in paragraph (g)(v)(A) through (g)(v)(C) of this section occurs. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of paragraphs (g)(i) and (g)(ii) of this section.

(A) A system with a full waiver or lead waiver no longer satisfies the materials criteria of paragraph (g)(i)(A) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

(B) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of paragraph (g)(i)(B) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

(C) The Executive Secretary notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.

(vi) Requirements following waiver revocation. A system whose full or partial waiver has been revoked by the Executive Secretary is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

(A) If the system exceeds the lead and/or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in R309-210-6(2)(e), and any other applicable requirements of this subpart.

(B) If the system meets both the lead and the copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in paragraph (c) of this section.

(vii) Pre-existing waivers. Small system waivers approved by the Executive Secretary in writing prior to April 11, 2000 shall remain in effect under the following conditions:

(A) If the system has demonstrated that it is both free of lead-containing and copper- containing materials, as required by paragraph (g)(i) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of paragraph (g)(ii) of this

section, the waiver remains in effect so long as the system continues to meet the waiver eligibility criteria of paragraph (g)(v) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(iv) of this section shall be completed no later than nine years after the last time the system has monitored for lead and copper at the tap.

(B) If the system has met the materials criteria of paragraph (g)(i) of this section but has not met the monitoring criteria of paragraph (g)(ii) of this section, the system shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of paragraph (g)(ii) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the system meets the continued eligibility criteria of paragraph (g)(v) of this section. The first round of tap water monitoring conducted pursuant to paragraph (g)(iv) of this section shall be completed no later than nine years after the round of monitoring conducted pursuant to paragraph (g)(ii) of this section.

(4) Corrosion Control for Control of Lead and Copper

(a) Description of corrosion control treatment requirements.

Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under R309-210-6(2).

(i) System recommendation regarding corrosion control treatment

Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in R309-210-6(4)(a)(iii)(A) which the system believes constitutes optimal corrosion control for that system. The Executive Secretary may require the system to conduct additional water quality parameter monitoring in accordance with R309-210-6(5)(b) to assist the Executive Secretary in reviewing the system's recommendation.

(ii) Studies of corrosion control treatment required for small and medium-size systems.

The Executive Secretary may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies under R309-210-6(4)(a)(iii) to identify optimal corrosion control treatment for the system.

(iii) Performance of corrosion control studies

(A) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:

(I) alkalinity and pH adjustment;

(II) calcium hardness adjustment; and

(III) the addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.

(B) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.

(C) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:

(I) lead;

(II) copper;

(III) pH;

(IV) alkalinity;

(V) calcium;

(VI) conductivity;

(VII) orthophosphate (when an inhibitor containing a phosphate compound is used);

(VIII) silicate (when an inhibitor containing a silicate compound is used);

(IX) water temperature.

(D) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:

(I) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or

(II) data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(E) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(F) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Executive Secretary in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in R309-210-6(4)(a)(iii)(A) through R309-210-6(4)(a)(iii)(E).

(iv) Designation of optimal corrosion control treatment

(A) Based upon consideration of available information including, where applicable, studies performed under R309-210-6(4)(a)(iii) and a system's recommended treatment alternative, the Executive Secretary shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in R309-210-6(4)(a)(iii)(A). When designating optimal treatment the Executive Secretary shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(B) The Executive Secretary shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Executive Secretary requests additional information to aid its review, the water system shall provide the information.

(v) Installation of optimal corrosion control

Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Executive Secretary under R309-210-6(4)(a)(iv).

(vi) Review of treatment and specification of optimal water quality control parameters

The Executive Secretary shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Executive Secretary in R309-210-6(4)(a)(iv). Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Executive Secretary shall designate:

(A) A minimum value or a range of values for pH measured at each entry point to the distribution system;

(B) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Executive Secretary determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;

(C) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Executive Secretary determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

(D) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;

(E) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

The values for the applicable water quality control parameters listed above shall be those that the Executive Secretary determines to reflect optimal corrosion control treatment for the system. The Executive Secretary may designate values for additional water quality control parameters determined by the Executive Secretary to reflect optimal corrosion control for the system. The Executive Secretary shall notify the system in writing of these determinations and explain the basis for the decisions.

(vii) Continued operation and monitoring. All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the Executive Secretary under paragraph (vi) of this section, in accordance with this paragraph for all samples collected under R309-210-6(5)(d) through (f). Compliance with the requirements of this paragraph shall be determined every six months, as specified under R309-210-6(5)(d). A water system is out of compliance with the requirements of this paragraph for a six-month period of it has excursions for any Executive Secretary specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Executive Secretary. Daily values are calculated as follows. The Executive Secretary has discretion to delete results of obvious sampling errors from this calculation.

(A) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or combination of both.

(B) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

(C) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(viii) Modification of treatment decisions

Upon its own initiative or in response to a request by a water system or other interested party, the Executive Secretary may modify its determination of the optimal corrosion control treatment under R309-210-6(4)(a)(iv) or optimal water quality control parameters under R309-210-6(4)(a)(vi). A request for modification by a system or other interested party shall: be in writing, explain why the modification is appropriate, and provide supporting documentation. The Executive Secretary may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall: be made in writing, set forth the new treatment requirements, explain the basis for the Executive Secretary's decision, and provide an implementation schedule for completing the treatment modifications.

(b) Source water treatment requirements.

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of R309-210-6(4)(b)(ii), and in R309-210-6(3), and R309-210-6(6)) by the following deadlines.

(i) Deadlines for Completing Source Water Treatment Steps

(A) Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (R309-210-6(6)(b)) and make a treatment recommendation to the Executive Secretary (R309-210-6(4)(b)(i)) no later than 180 days after the end of the monitoring period during which the lead or copper action level was exceeded.[~~Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (R309-210-6(6)(b)) and make a treatment recommendation to the Executive Secretary (R309-210-6(4)(b)(ii)(A)) within 6 months after exceeding the lead or copper action level.~~]

(B) Step 2: The Executive Secretary shall make a determination regarding source water treatment (R309-210-6(4)(b)(ii)(B)) within 6 months after submission of monitoring results under step 1.

(C) Step 3: If the Executive Secretary requires installation of source water treatment, the system shall install the treatment (R309-210-6(4)(b)(ii)(C)) within 24 months after completion of step 2.

(D) Step 4: The system shall complete follow-up tap water monitoring (R309-210-6(3)(d)(ii)) and source water monitoring (R309-210-6(6)(c)) within 36 months after completion of step 2.

(E) Step 5: The Executive Secretary shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (R309-210-6(4)(b)(ii)(D)) within 6 months after completion of step 4.

(F) Step 6: The system shall operate in compliance with the Executive Secretary specified maximum permissible lead and copper source water levels (R309-210-6(4)(b)(ii)(D)) and continue source water monitoring (R309-210-6(6)(d)).

(ii) Description of Source Water Treatment Requirements

(A) System treatment recommendation

Any system which exceeds the lead or copper action level shall recommend in writing to the Executive Secretary the installation and operation of one of the source water treatments listed in R309-210-6(4)(b)(ii)(B). A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(B) Determination regarding source water treatment

The Executive Secretary shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Executive Secretary determines that treatment is needed, the Executive Secretary shall either require installation and operation of the source water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Executive Secretary requests additional

information to aid in its review, the water system shall provide the information by the date specified by the Executive Secretary in its request. The Executive Secretary shall notify the system in writing of its determination and set forth the basis for its decision.

(C) Installation of source water treatment

Each system shall properly install and operate the source water treatment designated by the Executive Secretary under R309-210-6(4)(b)(ii)(B).

(D) Review of source water treatment and specification of maximum permissible source water levels

The Executive Secretary shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Executive Secretary. Based upon its review, the Executive Secretary shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Executive Secretary shall notify the system in writing and explain the basis for its decision.

(E) Continued operation and maintenance

Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Executive Secretary at each sampling point monitored in accordance with R309-210-6(6). The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the Executive Secretary.

(F) Modification of treatment decisions

Upon its own initiative or in response to a request by a water system or other interested party, the Executive Secretary may modify its determination of the source water treatment under R309-210-6(4)(b)(ii)(B), or maximum permissible lead and copper concentrations for finished water entering the distribution system under R309-210-6(4)(b)(ii)(D). A request for modification by a system or other interested party shall: be in writing, explain why the modification is appropriate, and provide supporting documentation. The Executive Secretary may modify the determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall: be made in writing, set forth the new treatment requirements, explain the basis for the Executive Secretary's decision, and provide an implementation schedule for completing the treatment modifications.

(c) Lead service line replacement requirements.

(i)(A) Systems that fail to meet the lead action level in tap samples taken pursuant to R309-210-6(3)(d)(ii), after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of R309-210-6(2) or R309-210-6(4)(b) for failure to install source water or corrosion control treatment, the Executive Secretary may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under R309-104-4.2.3.d.2. has passed. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under paragraph (a) of this section. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the Executive Secretary has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.

(B) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph (f) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (c) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (7 percent lead service line replacement is based on a 15-year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by 13). For those systems that have completed a 15-year lead service line replacement program, the Executive Secretary will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeds the action level.

(ii) A system shall replace annually at least 7 percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portion(s) owned by the system, based upon a materials evaluation, including the evaluation required under R309-210-6(3)(a) and relevant legal authorities (e.g., contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the date the action level was exceeded in tap sampling referenced in R309-210-6(4)(c)(i).

(iii) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to R309-210-6(3)(b)(iii), is less than or equal to 0.015 mg/L.

(iv) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks.

(A) At least 45 days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The Executive Secretary may allow the water system to provide notice under the previous sentence less than 45 days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under R309-210-6(3)(b)(iii), within 72 hours after the completion of the partial replacement of the service line. The system shall collect the

sample and report the results of the analysis to the owner and the resident(s) served by the line within three business days of receiving the results. Mailed notices post-marked within three business days of receiving the results shall be considered on time.

(B) The water system shall provide the information required by paragraph (c)(iv)(A) of this section to the residents of individual dwellings by mail or by other methods approved by the Executive Secretary. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.

(v) The Executive Secretary shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The Executive Secretary shall make this determination in writing and notify the system of its finding within 6 months after the system is triggered into lead service line replacement based on monitoring referenced in R309-210-6(4)(c)(i).

(vi) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to R309-210-6(3)(b)(ii) meet the lead action level during each of two consecutive monitoring periods and the system submits the results to the Executive Secretary. If first draw tap samples collected in any such water system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines, pursuant to R309-210-6(4)(c)(ii)(B).

(vii) To demonstrate compliance with R309-210-6(4)(c)(i) through R309-210-6(4)(c)(iv), a system shall report to the Executive Secretary the information specified in R309-210-6(8)(e).

(5) Monitoring requirements for water quality parameters.

All large water systems and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section.

(a) General Requirements

(i) Sample collection methods

(A) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under R309-210-6(3)(a).

(B) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(ii) Number of samples

(A) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under R309-210-6(5)(b) through R309-210-6(5)(e) from the following number of sites in Table 210-5.

TABLE 210-5
NUMBER OF WATER QUALITY PARAMETER SAMPLE SITES

System Size (# People Served)	# of Sites For Water Quality Parameters
Greater than 100,000	25
10,001[-] to 100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or less	1

(B) Except as provided in paragraph (c)(iii) of this section, Systems shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in R309-210-6(5)(b). Systems shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in R309-210-6(5)(c) through R309-210-6(5)(e).

(b) Initial Sampling

All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six-month monitoring period specified in R309-210-6(3)(d)(i). All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six-month monitoring period specified in R309-210-6(3)(d)(i) during which the system exceeds the lead or copper action level.

(i) At taps:

(A) pH;

(B) alkalinity;

(C) orthophosphate, when an inhibitor containing a phosphate compound is used;

(D) silica, when an inhibitor containing a silicate compound is used;

(E) calcium;

(F) conductivity; and

(G) water temperature.

(ii) At each entry point to the distribution system: all of the applicable parameters listed in R309-210-6(5)(b)(i).

(c) Monitoring after installation of corrosion control

Any large system which installs optimal corrosion control treatment pursuant to R309-210-6(2)(d)(iv) shall measure the water quality parameters at the locations and frequencies specified below during each six-month monitoring period specified in R309-210-6(3)(d)(ii)(A). Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six-month monitoring period specified in R309-210-6(3)(d)(ii)(B) in which the system exceeds the lead or copper action level.

(i) At taps, two samples for:

(A) pH;

(B) alkalinity;

(C) orthophosphate, when an inhibitor containing a phosphate compound is used;

(D) silica, when an inhibitor containing a silicate compound is used;

(E) calcium, when calcium carbonate stabilization is used as part of corrosion control.

(ii) Except as provided in Paragraph (c)(iii) of this section, at each entry point to the distribution system, at least on sample no less frequently than every two weeks (bi-weekly) for:

(A) pH;

(B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and

(C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(iii) Any ground water system can limit entry point sampling described in paragraph (c)(ii) of this section to those entry points that

are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the Executive Secretary written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(d) Monitoring after Executive Secretary specifies water quality parameter values for optimal corrosion control.

After the Executive Secretary specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under R309-210-6(4)(f), all large systems shall measure the applicable water quality parameters in accordance with paragraph (c) of this section and determine compliance with the requirements of R309-210-6(4)(g) every six months with the first six-month period to begin on either January 1 or July 1, whichever comes first, after the Executive Secretary specifies the optimal values under R309-210-6(4) (f). Any small or medium-size system shall conduct such monitoring during each six-month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to R309-210-6(3)(d)(iv) at the time of the action level exceedance, the start of the applicable six-month monitoring period under this paragraph shall coincide with the start of the applicable monitoring period under R309-210-6(3)(d)(iv). Compliance with Executive Secretary-designated optimal water quality parameter values shall be determined as specified under R309-210-6(4)(g).[~~After the Executive Secretary specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under R309-210-6(4)(a)(vi), all large systems shall measure the applicable water quality parameters in accordance with paragraph (c) of this section and determine compliance with the requirements of R309-210-6(4)(a)(vii) every six months with the first six month period to begin on the date the Executive Secretary specifies the optimal values under R309-210-6(4)(a)(vi). Any small or medium-size system shall conduct such monitoring during each six month period specified in this paragrph in which the system exceeds the lead or copper action level. For any such small and medium size system that is subject to a reduced monitoring frequency pursuant to R309-210-6(3)(d)(iv) at the time of the action level exceedance, the end of the applicable six month monitoring period under R309-210-6(3)(d)(iv). Compliance with Executive Secretary designated optimal water quality parameter values shall be determined as specified under R309-210-6(4)(a)(vii).~~]

(e) Reduced monitoring

(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(i) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(f), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (e)(i) of this section from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.[~~Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under R309-210-6(5)(d) shall continue monitoring at the entry point(s) to the distribution system as specified in R309-210-6(5)(c)(ii). Such system may collect two tap samples for applicable water quality parameters from the following reduced number of sites in Table 210-6 during each six-month monitoring period.~~]

TABLE 210-6
REDUCED NUMBER OF WATER QUALITY PARAMETER SAMPLE SITES

System Size (# People Served)	Reduced # of Sites for Water Quality Parameters
Greater than 100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
100 or less	1

(ii)(A) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under R309-210-6(4)(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in this paragraph (e)(i) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the State under R309-210-6(4)(f), during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (e)(i) of this section from annually to every three years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.[~~Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(a)(vi) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in R309-210-6(5)(e)(i), Table 210-6, from every six months to annually. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(a)(vi) during three consecutive years of annual monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in R309-210-6(5)(e)(i), Table 210-6, from annually to every three years.~~]

(B) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (e)(i) of this section to every three years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in R309-200-4(3), that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in R309-200-5(2)(c), and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Executive Secretary under R309-210-6(4)(a)(vi). Monitoring conducted every three years shall be done no later than every third calendar year.

(iii) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(iv) Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Executive Secretary in R309-210-6(4)(a)(vi) for more than 9 days in any six month period specified in R309-210-6(4)(a)(vii) shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (d) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (e)(i) of this section after it has completed two subsequent consecutive six month rounds of monitoring that meet the criteria of that paragraph or may resume triennial monitoring for water quality parameters at the tap at the reduced number os sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (e)(ii)(A) or (e)(ii)(B) of this section.

(f) Additional monitoring by systems

The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Executive Secretary in making any determinations (i.e., determining concentrations of water quality parameters) under this section or R309-210-6(4)(a).

(g) The Executive Secretary has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected in accordance with this section and analyzed in accordance with R309-104-8.

(6) Monitoring requirements for lead and copper in source water.

(a) Sample location, collection methods, and number of samples

(i) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with R309-210-6(3) shall collect lead and copper source water samples in accordance with the following requirements regarding sample location, number of samples, and collection methods:

(A) Groundwater systems shall take a minimum of one sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take one sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(B) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

(C) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(D) The Executive Secretary may reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either:

(I) A follow up sample shall be taken and analyzed within 14 days at each sampling point included in the composite; or

(II) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.

(ii) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under R309-210-6(4)(b)(ii)(D), the Executive Secretary may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(b) Monitoring frequency after system exceeds tap water action level.

Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system no later than six months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or if the Executive Secretary has established an alternate monitoring period, the last day of that period.[~~Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system within six months after the exceedance.~~]

(c) Monitoring frequency after installation of source water treatment.

Any system which installs source water treatment pursuant to R309-210-6(4)(b)(i)(C) shall collect an additional source water sample from each entry point to the distribution system during two consecutive six-month monitoring periods by the deadline specified in R309-210-6(4)(b)(i)(D).

(d) Monitoring frequency after Executive Secretary specifies maximum permissible source water levels or determines that source water treatment is not needed

(i) A system shall monitor at the frequency specified below in cases where the Executive Secretary specifies maximum permissible source water levels under R309-210-6(4)(b)(ii)(D) or determines that the system is not required to install source water treatment under R309-210-6(4)(b)(ii)(B).

(A) A water system using only groundwater shall collect samples once during the three-year compliance period in effect when the applicable determination under R309-210-6(6)(d)(i) is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.

(B) A water system using surface water (or a combination of surface and ground water) shall collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the applicable Executive Secretary determination is made under paragraph (d)(i) of this section.[~~A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each year, the first annual monitoring period to begin on the date on which the applicable determination is made under R309-210-6(6)(d)(i).~~]

(ii) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under R309-210-6(6)(d)(i)(A) or (B).

(e) Reduced monitoring frequency

(i) A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in R309-110-4) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:[~~A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine year compliance cycle, as defined in R309-110, if the system meets one of the following criteria:~~]

(A) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Executive Secretary in R309-210-6(4)(b)(ii)(D) during at least three consecutive compliance periods under paragraph (d)(i) of this section; or

(B) The Executive Secretary has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under paragraph (d)(i) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(ii) A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in paragraph (d)(i) of this section to once during each nine-year compliance cycle (as that term is defined in R309-110-4) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:[~~A water system using surface water (or a combination of surface water and ground water) may reduce the monitoring frequency in paragraph (d)(i) of this section to once during each nine year compliance cycle, as defined in R309-110, if the system meets one of the following criteria:~~]

(A) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Executive Secretary in R309-210-6(4)(b)(ii)(D) for at least three consecutive years; or

(B) The Executive Secretary has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(iii) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Executive Secretary in R309-210-6(4)(b)(i)(E).

(iv) The Executive Secretary has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected in accordance with this section and analyzed in accordance with R309-104-8.

(7) Public education and supplemental monitoring requirements.

[~~A water system that exceeds the lead action level based on tap water samples collected in accordance with R309-210-6(3) shall deliver the public education materials contained in R309-210-6(7)(a) and (b) in accordance with the requirements in R309-210-6(7)(c).~~

~~(a) Content of written materials.~~

~~(i) Community water systems. A community water system shall include the following text in all of the printed materials it distributes through its lead public education program. Systems may delete information pertaining to lead service lines, upon approval by the Executive Secretary, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (a)(1)(iv)(B)(5) and (a)(1)(iv)(D)(2) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the Executive Secretary. Systems may also continue to utilize pre-printed materials that meet the public education language requirements in R309-210-6(7). Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.~~

~~(A) INTRODUCTION~~

~~The United States Environmental Protection Agency (EPA) and (insert name of water supplier) are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace each lead service line that we control if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at (insert water system's phone number). This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.~~

~~(B) HEALTH EFFECTS OF LEAD~~

~~Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead~~

~~contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.~~

~~(C) LEAD IN DRINKING WATER~~

~~(I) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.~~

~~(II) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.~~

~~(III) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.~~

~~(D) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER~~

~~(I) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call (insert phone number of water system).~~

~~(II) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:~~

~~(aa) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than (insert a cost estimate based on flushing two times a day for 30 days) per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.~~

~~(bb) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.~~

~~(cc) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.~~

~~(dd) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify your local plumbing inspector and the Utah Department of Commerce about the violation.~~

~~(ee) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the (insert name of department that issues building permits). A licensed plumber can at the same time check to see if your homes's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line we own. If the line is only partially owned by the (insert name of the city, county, or water system that owns the line), we are required to provide the owner of the privately-owned portion of the line with information on how to replace the privately-owned portion of the service line, and offer to replace that portion of the line at owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within 72 hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.~~

~~(ff) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.~~

~~(III) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:~~

~~(aa) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your~~

drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

(bb) Purchase bottled water for drinking and cooking.

(IV) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(aa) (insert the name of city or county department of public utilities) at (insert phone number) can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality;

(bb) (insert the name of city or county department that issues building permits) at (insert phone number) can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

(cc) The Utah Division of Drinking Water at 536-4200 or the (insert the name of the city or county health department) at (insert phone number) can provide you with information about the health effects of lead and how you can have your child's blood tested.

(V) The following is a list of some Utah Division of Drinking Water approved laboratories in your area that you can call to have your water tested for lead. (Insert names and phone numbers of at least two laboratories).

(ii) Non-transient non-community water systems. A non-transient non-community water system shall either include the text specified in R309-210-6 (7)(a)(i) of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. Water systems may delete information pertaining to lead service lines, upon approval by the Executive Secretary, if no lead service lines exist anywhere in the water system service area. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.

(A) INTRODUCTION

The United States Environmental Protection Agency (EPA) and (insert name of water supplier) are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by (insert date when corrosion control will be completed for your system). This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace each lead service line that we control if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at (insert water system's phone number). This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(B) HEALTH EFFECTS OF LEAD

Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(C) LEAD IN DRINKING WATER

(I) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.

(II) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to the water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.

(III) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(D) STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

(I) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one gallon of water.

(II) Do not cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it.

(III) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

(IV) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(aa) (insert the name or title of facility official if appropriate) at (insert phone number) can provide you with information about your facility's water supply, and

(bb) The Utah Division of Drinking Water at 536-4200 or the (insert the name of the city or county health department) at (insert phone number) can provide you with information about the health effects of lead.

(b) Content of broadcast materials. A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

(i) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for (insert free or $ per sample). You can contact the (insert the name of the city or water system) for information on testing and on simple ways to reduce your exposure to lead in drinking water.

(ii) To have your water tested for lead, or to get more information about this public health concern, please call (insert the phone number of the city or water system).

(c) Delivery of a public education program

(i) In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).

(ii) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with R309-210-6(3) and that is not already repeating public education tasks pursuant to paragraph (c)(iii), (c)(vii), or (c)(viii), of this section, shall, within 60 days:

(A) insert notices in each customer's water utility bill containing the information in R309-210-6(7)(a), along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." A community water system having a billing cycle that does not include a billing within 60 days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in paragraph (a)(i) of this section as long as the information is delivered to each customer within 60 days of exceeding the action level. Such water systems shall also include the "alert" language specified in this paragraph.

(B) submit the information in R309-210-6(7)(a)(i) to the editorial departments of the major daily and weekly newspapers circulated throughout the community.

(C) deliver pamphlets and/or brochures that contain the public education materials in R309-210-6(7)(a)(i)(B) and (a)(i)(D) to facilities and organizations, including the following:

(I) public schools and/or local school boards;

(II) city or county health department;

(III) Women, Infants, and Children and/or Head Start Program(s) whenever available;

(IV) public and private hospitals and/or clinics;

(V) pediatricians;

(VI) family planning clinics; and

(VII) local welfare agencies.

(D) submit the public service announcement in R309-104-4.2.7.b. to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.

(iii) A community water system shall repeat the tasks contained in Subsections R309-210-6(7)(c)(ii)(A), (B) and (C) every 12 months, and the tasks contained in Subsection R309-210-6(7)(c)(ii)(D) every 6 months for as long as the system exceeds the lead action level.

(iv) Within 60 days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to paragraph (c)(v) of this section), a non-transient non-community water system shall deliver the public education materials contained in R309-210-6(7)(a)(i) or R309-210-6(7)(a)(ii) as follows:

(A) post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

(B) distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Executive Secretary may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(v) A non-transient non-community water system shall repeat the tasks contained in R309-210-6(7)(c)(iv) at least once during each calendar year in which the system exceeds the lead action level.

(vi) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to R309-210-6(3). Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

(vii) A community water system may apply to the Executive Secretary, in writing, (unless the Executive Secretary has waived the requirement for prior Executive Secretary approval) to use the text specified in paragraph (a)(ii) of this section in lieu of the text in paragraph (a)(i) of this section and to perform the tasks listed in paragraphs (c)(iv) and (c)(v) of this section in lieu of the tasks in paragraphs (c)(ii) and (c)(iii) of this section if:

(A) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(B) The system provides water as part of the cost of services provided and does not separately charge for water consumption.

(viii)(A) A community water system serving 3,300 or fewer people may omit the task contained in paragraph (c)(ii)(D) of this section. As long as it distributes notices containing the information contained in paragraph (a)(i) of this section to every household served by the system, such systems may further limit their public education programs as follows:

(aa) Systems serving 500 or fewer people may forego the task contained in paragraph (c)(ii)(B) of this section. Such a system may limit the distribution of the public education materials required under paragraph (c)(ii)(C) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Executive Secretary in writing that it must make a broader distribution.

(bb) If approved by the Executive Secretary in writing, a system serving 501 to 3,300 people may omit the task in paragraph (c)(ii)(B) of this section or limit the distribution of the public education materials required under paragraph (c)(ii)(C) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(B) A community water system serving 3,300 or fewer people that delivers public education in accordance with paragraph (c)(viii)(A) of this section shall repeat the required public education tasks at least once during each calendar year in which the system exceeds the lead action level.

(d) Supplemental monitoring and notification of results.

A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with R309-210-6(3) shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the

~~sample, nor is the system required to collect and analyze the sample itself.~~]All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (d) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with R309-210-6(3) shall deliver the public education materials contained in paragraph (a) of this section in accordance with the requirements in paragraph (b) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph (c) of this section.

(a) Content of written public education materials.

(i) Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed materials (e.g., brochures and pamphlets) in the same order as listed below. In addition, paragraphs (a)(i)(A) through (B) and (a)(i)(F) must be included in the materials, exactly as written, except for the text in brackets in these paragraphs for which the water system must include system-specific information. Any additional information presented by a water system must be consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the Executive Secretary prior to delivery. The Executive Secretary may require the system to obtain approval of the content of written public materials prior to delivery.

(A) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. (INSERT NAME OF WATER SYSTEM) found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

(B) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

(C) Sources of Lead.

(I) Explain what lead is.

(II) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on home/building plumbing materials and service lines that may contain lead.

(III) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

(D) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.

(I) Encourage running the water to flush out the lead.

(II) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

(III) Explain that boiling water does not reduce lead levels.

(IV) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

(V) Suggest that parents have their child's blood tested for lead.

(E) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area.

(F) For more information, call us at (INSERT YOUR NUMBER) ((IF APPLICABLE), or visit our Web site at (INSERT YOUR WEB SITE HERE)). For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's Web site at "http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.epa.gov/lead" or contact your health care provider.

(ii) Community water systems. In addition to including the elements specified in paragraph (a)(i) of this section, community water systems must:

(A) Tell consumers how to get their water tested.

(B) Discuss lead in plumbing components and the difference between low lead and lead free.

(b) Delivery of public education materials.

(i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Executive Secretary, the public education materials must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

(ii) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with R309-210-6(3), and that is not already conducting public education tasks under this section, must conduct the public education tasks under this section within 60 days after the end of the monitoring period in which the exceedance occurred:

(A) Deliver printed materials meeting the content requirements of paragraph (a) of this section to all bill paying customers.

(B)(I) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of paragraph (a) of this section to all organizations on the provided lists.

(II) Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph (a) of this section to the following organizations listed in aa through ff that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users:

(aa) Public and private schools or school boards.

(bb) Women Infants and Children (WIC) and Head Start programs.

(cc) Public and private hospitals and medical clinics.

(dd) Pediatricians.

(ee) Family planning clinics.

(ff) Local welfare agencies.

(III) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (a) of this section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

(aa) Licensed childcare centers.

(bb) Public and private preschools.

(cc) Obstetricians-Gynecologists and Midwives.

(C) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information: (INSERT NAME OF WATER SYSTEM) found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call (INSERT NAME OF WATER SYSTEM) (or visit (INSERT YOUR WEB SITE HERE)). The message or delivery mechanism can be modified in consultation with the Executive Secretary; specifically, the Executive Secretary may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

(D) Post material meeting the content requirements of paragraph (a) of this section on the water system's Web site if the system serves a population greater than 100,000.

(E) Submit a press release to newspaper, television and radio stations.

(F) In addition to paragraphs (b)(ii)(A) through (E) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the Executive Secretary.

(I) Public Service Announcements.

(II) Paid advertisements.

(III) Public Area Information Displays.

(IV) Emails to customers.

(V) Public Meetings.

(VI) Household Deliveries.

(VII) Targeted Individual Customer Contact.

(VIII) Direct material distribution to all multi-family homes and institutions.

(VIIII) Other methods approved by the Executive Secretary.

(G) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Executive Secretary has established an alternate monitoring period, the last day of that period.

(iii) As long as a community water system exceeds the action level, it must repeat the activities pursuant to paragraph (b)(ii) of this section as described in paragraphs (b)(iii)(A) through (D) of this section.

(A) A community water system shall repeat the tasks contained in paragraphs (b)(ii)(A), (B) and (F) of this section every 12 months.

(B) A community water system shall repeat tasks contained in paragraph (b)(ii)(C) of this section with each billing cycle.

(C) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph (b)(ii)(D) of this section.

(D) The community water system shall repeat the task in paragraph (b)(ii)(E) of this section twice every 12 months on a schedule agreed upon with the Executive Secretary. The Executive Secretary can allow activities in paragraph (b)(ii) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Executive Secretary in advance of the 60-day deadline.

(iv) Within 60 days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to paragraph (b)(v) of this section), a non-transient non-community water system shall deliver the public education materials specified by paragraph (a) of this section as follows:

(A) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

(B) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Executive Secretary may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(C) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Executive Secretary has established an alternate monitoring period, the last day of that period.

(v) A non-transient non-community water system shall repeat the tasks contained in paragraph (b)(iv) of this section at least once during each calendar year in which the system exceeds the lead action level. The Executive Secretary can allow activities in (b)(iv) of this section to extend beyond the 60-day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Executive Secretary in advance of the 60-day deadline.

(vi) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to R309-210-6(3). Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

(vii) A community water system may apply to the Executive Secretary, in writing, (unless the Executive Secretary has waived the requirement for prior Executive Secretary approval) to use only the text specified in paragraph (a)(i) of this section in lieu of the text in paragraphs (a)(i) and (a)(ii) of this section and to perform the tasks listed in paragraphs (b)(iv) and (b)(v) of this section in lieu of the tasks in paragraphs (b)(ii) and (b)(iii) of this section if:

(A) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(B) The system provides water as part of the cost of services provided and does not separately charge for water consumption.

(viii) A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:

(A) With respect to the requirements of paragraph (b)(ii)(F) of this section, a system serving 3,300 or fewer must implement at least one of the activities listed in that paragraph.

(B) With respect to the requirements of paragraph (b)(ii)(B) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(C) With respect to the requirements of paragraph (b)(ii)(E) of this section, the Executive Secretary may waive this requirement for systems serving 3,300 or fewer persons as long as system distributes notices to every household served by the system.

(c) Supplemental monitoring and notification of results. A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with R309-210-6(3) shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.

(d) Notification of results.

(i) Reporting requirement. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of R309-210-6(3) to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

(ii) Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than 30 days after the system learns of the tap monitoring results.

(iii) Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from R309-225-5(3).

(iv) Delivery. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Executive Secretary. For example, upon approval by the Executive Secretary, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

(8) Reporting requirements.

All water systems shall report all of the following information to the Executive Secretary in accordance with this section.

(a) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring

(i) Except as provided in paragraph (a)(i)(H) of this section, a water system shall report the information specified below for all tap water samples specified in R309-210-6(3) and for all water quality parameter samples specified in R309-210-6(5) within the first 10 days following the end of each applicable monitoring period specified in R309-210-6 (3) and (5) (i.e., every six months, annually, every 3 years, or every 9 years). For monitoring periods with a duration less than six months, the end of the monitoring period is the last date samples can be collected during that period as specified in R309-210-6(3) and R309-210-6(5).

(A) the results of all tap samples for lead and copper including the location of each site and the criteria under R309-210-6(3)(a)(iii), (iv), (v), (vi), and (vii) under which the site was selected for the system's sampling pool;

(B) Documentation for each tap water lead or copper sample for which the water system request invalidation pursuant to R309-210-6(3)(f)(ii);

(D) the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, (calculated in accordance with R309-200-5(2)(c))unless the Executive Secretary calculates the system's 90th percentile lead and copper levels under paragraph (h) of this section;

(E) with the exception of initial tap sampling conducted pursuant to R309-210-6(3)(d)(i), the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

(F) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under R309-210-6(5)(b) through (e);

(G) the results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under R309-210-6(5)(b) through (e).

(H) A water system shall report the results of all water quality parameter samples collected under R309-210-6(5)(c) through (f) during each six month monitoring period specified in R309-210-6(5)(d) within the first 10 days following the end of the monitoring period unless the Executive Secretary has specified a more frequent reporting requirement.

(ii) For a non-transient non-community water system, or a community water system meeting the criteria of R309-210-6(7)(b)(vii)[~~R309-210-6(8)(c)(vii)(A) or (B)~~], that does not have enough taps that can provide first draw samples, the system must identify, in writing, each site that did not meet the six hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to R309-210-6(3)(b)(v) and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (a)(i)(A) of this section. The Executive Secretary has waived prior Executive Secretary approval of non-first-draw samples sites selected by the system pursuant to R309-210-6(3)(b)(v).

(iii) [~~No later than 60 days after the addition of a new source or any change in water treatment, unless the Executive Secretary required earlier notification, a water system deemed to have optimized corrosion control under R309-210-6(3)(b)(iii), a water system subject to reduced monitoring pursuant to R309-210-6(3)(d)(iv), or a water system subject to a monitoring waiver pursuant to R309-210-6(3)(g), shall send written documentation to the Executive Secretary describing the change, In those instances where prior Executive Secretary approval of the treatment change or new source is not required, water systems are encouraged to provide the notification to the Executive Secretary beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.~~]At a time specified by the Executive Secretary, or if no specific time is designated by the Executive Secretary, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control under R309-210-6(2)(b)(iii), a water system subject to reduced monitoring pursuant

to R309-210-6(3)(d)(iv), or a water system subject to a monitoring waiver pursuant to R309-210-6(3)(g), shall submit written documentation to the Executive Secretary describing the change or addition. The Executive Secretary must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.

(iv) Any small system applying for a monitoring waiver under R309-210-6(3)(g), or subject to a waiver granted pursuant to R309-210-6(3)(g)(iii), shall provide the following information to the Executive Secretary in writing by the specified deadline:

(A) By the start of the first applicable monitoring period in R309-210-6(3), any small system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of R309-210-6(3)(g)(i) and (ii).

(B) No later than nine years after the monitoring previously conducted pursuant to R309-210-6(3)(g)(ii) or (g)(iv)(A), each small system desiring to maintain its monitoring waiver shall provide the information required by R309-210-6(3)(g)(iv)(A) and (B).

(C) No later than 60 days after it becomes aware that it is no longer free of lead-containing or copper containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the Executive Secretary, setting forth the circumstances resulting in the lead containing or copper containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials

(D) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of R309-210-6(3)(g)(ii) shall provide the information required by that paragraph.

(v) Each ground water system that limits water quality parameter monitoring to a subset of entry points under R309-210-6(5)(c)(iii) shall provide, by the commencement of such monitoring, written correspondence to the Executive Secretary that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(b) Source water monitoring reporting requirements

(i) A water system shall report the sampling results for all source water samples collected in accordance with R309-210-6(6) within the first 10 days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in R309-210-6(6).

(ii) With the exception of the first round of source water sampling conducted pursuant to R309-210-6(6)(b), the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(c) Corrosion control treatment reporting requirements

By the applicable dates under R309-210-6(2), systems shall report the following information:

(i) for systems demonstrating that they have already optimized corrosion control, information required in R309-210-6(2)(b)(ii) or R309-210-6(2)(b)(iii).

(ii) for systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under R309-210-6(4)(a)(i).

(iii) for systems required to evaluate the effectiveness of corrosion control treatments under R309-210-6(4)(a)(iii), the information required by that paragraph.

(iv) for systems required to install optimal corrosion control designated by the Executive Secretary under R309-210-6(4)(a)(iv), a letter certifying that the system has completed installing that treatment.

(d) Source water treatment reporting requirements

By the applicable dates in R309-210-6(4)(b), systems shall provide the following information to the Executive Secretary :

(i) if required under R309-210-6(4)(b)(ii)(A), their recommendation regarding source water treatment;

(ii) for systems required to install source water treatment under R309-210-6(4)(b)(ii)(B), a letter certifying that the system has completed installing the treatment designated by the Executive Secretary within 24 months after the Executive Secretary designated the treatment.

(e) Lead service line replacement reporting requirements

Systems shall report the following information to the Executive Secretary to demonstrate compliance with the requirements of R309-210-6(4)(c):

(i) No later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), the system must submit written documentation to the Executive Secretary of the material evaluation conducted as required in R309-210-6(3)(a), identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level, and provide the system's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.[~~Within 12 months after a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), the system shall demonstrate in writing to the Executive Secretary that it has conducted a materials evaluation, including the evaluation in R309-210-6(3)(a), to identify the initial number of lead service lines in its distribution system, and shall provide the Executive Secretary with the system's schedule for replacing annually at least 7 percent of the initial number of lead service lines in its distribution system.~~]

(ii) No later than 12 months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), and every 12 months thereafter, the system shall demonstrate to the Executive Secretary in writing that the system has either:[~~Within 12 months after a system exceeds the lead action level in sampling referred to in R309-210-6(4)(c)(i), and every 12 months thereafter, the system shall demonstrate to the Executive Secretary in writing that the system has either:~~]

(A) replaced in the previous 12 months at least 7 percent of the initial lead service lines (or a greater number of lines specified by the Executive Secretary under R309-210-6(4)(c)(v)) in its distribution system, or

(B) conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to R309-210-6(3)(b)(iii), is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which

meet the criteria in R309-210-6(4)(c)(iii) shall equal at least 7 percent of the initial number of lead lines identified under paragraph (e)(i) of this section (or the percentage specified by the Executive Secretary under R309-210-6(4)(c)(v)).[~~In such cases, the total number of lines replaced or which meet the criteria in R309-210-6(4)(c)(iii) shall equal at least 7 percent of the initial number of lead lines identified under R309-210-6(8)(a) (or the percentage specified by the Executive Secretary under R309-210-6(4)(c)(v)).~~]

(iii) The annual letter submitted to the Executive Secretary under R309-210-6(8)(e)(ii) shall contain the following information:

(A) the number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;

(B) the number and location of each lead service line replaced during the previous year of the system's replacement schedule;

(C) if measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

(iv) Systems shall also report any additional information as specified by the Executive Secretary, and in a time and manner prescribed by the Executive Secretary, to verify that all partial lead service line replacement activities have taken place.

(f) Public education program reporting requirements

(i) Any water system that is subject to the public education requirements in R309-210-6(7)shall, within ten days after the end of each period in which the system is required to perform public education in accordance with R309-210-6(7)(b), send written documentation to the Executive Secretary that contains:[~~Any water system that is subject to the public education requirements in R309-210-6(7) shall , within ten days after the end of each period in which the system is required to perform public education tasks in accordance with R309-210-6(7)(c), send written documentation to the Executive Secretary that contains:~~]

(A) A demonstration that the system has delivered the public education materials that meet the content requirements in R309-210-6(7)(a) and the delivery requirements in R309-210-6(7)(b); and[~~A demonstration that the system has delivered the public education materials that meet the content requirements in R309-210-6(7)(a) and (b) and the delivery requirements in R309-210-6(7)(c); and~~]

(B) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.

(ii) Unless required by the Executive Secretary, a system that previously has submitted the information required by paragraph (f)(i)(B) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(iii) No later than 3 months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the Executive Secretary along with a certification that the notification has been distributed in a manner consistent with the requirements of R309-210-6(7)(d).

(g) Reporting of additional monitoring data

Any system which collects sampling data in addition to that required by this subpart shall report the results to the Executive Secretary within the first ten day following the end of the applicable monitoring period under R309-210-6(3), R309-210-6(5) and R309-210-6(6) during which the samples are collected.

(h) Reporting of 90th percentile lead and copper concentrations where the Executive Secretary calculates a system's 90th percentile concentrations. A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples during each monitoring period, as required by paragraph (a)(i)(D) of this section if:

(i) The Executive Secretary has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (h)(ii)(A) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;

(ii) The system has provided the following information to the Executive Secretary by the date specified in paragraph (h)(i) of this section:

(A) The results of all tap samples for lead and copper including the location of each site and the criteria under R309-210-6(3)(a)(iii), (iv), (v), (vi), and/or (vii) under which the site was selected for the system's sampling pool, pursuant to paragraph (a)(i)(A) of this section; and

(B) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

(iii) The Executive Secretary has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

R309-210-9. Disinfection Byproducts - Initial Distribution System Evaluations.

(1) General requirements.

(a) The requirements of this sub-section establish monitoring and other requirements for identifying R309-210-10 compliance monitoring locations for determining compliance with maximum contaminant levels for total trihalomethanes (TTHM) and haloacetic acids (five)(HAA5). The water system must use an Initial Distribution System Evaluation (IDSE) to determine locations with representative high TTHM and HAA5 concentrations throughout the distribution system. IDSEs are used in conjunction with, but separate from, R309-210-8 compliance monitoring, to identify and select R309-210-10 compliance monitoring locations.

(b) Applicability. Community water systems that uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light; or if the system is a non-transient non-community water systems that serves at least 10,000 people and uses a primary or residual disinfectant other than ultraviolet light or delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light are subject to these requirements.

(c) Schedule. The water system must comply with the requirements of this subpart on the schedule in paragraph (c)(i).

(i) For water systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system.

(A) For water systems that serve a population greater than or equal to 100,000:

(I) The water system must submit a standard monitoring plan or system specific study plan or 40/30 certification to the Executive Secretary by or receive very small system waiver from the Executive Secretary by October 1, 2006.

(II) The water system must complete the standard monitoring or system specific study by September 30, 2008.

(III) The water system must submit the IDSE report to the Executive Secretary by January 1, 2009.

(B) For water systems that serve a population from 50,000 to 99,999:

(I) The water system must submit a standard monitoring plan or system specific study plan or 40/30 certification to the Executive Secretary by or receive very small system waiver from the Executive Secretary by April 1, 2007.

(II) The water system must complete the standard monitoring or system specific study by March 31, 2009.

(III) The water system must submit the IDSE report to the Executive Secretary by July 1, 2009.

(C) For water systems that serve a population from 10,000 to 49,999:

(I) The water system must submit a standard monitoring plan or system specific study plan or 40/30 certification to the Executive Secretary by or receive very small system waiver from the Executive Secretary by October 1, 2007.

(II) The water system must complete the standard monitoring or system specific study by September 30, 2009.

(III) The water system must submit the IDSE report to the Executive Secretary by January 1, 2010.

(D) For community water systems that serve a population less than 10,000:

(I) The water system must submit a standard monitoring plan or system specific study plan or 40/30 certification to the Executive Secretary by or receive very small system waiver from the Executive Secretary by April 1, 2008.

(II) The water system must complete the standard monitoring or system specific study by March 31, 2010.

(III) The water system must submit the IDSE report to the Executive Secretary by July 1, 2010.

(ii) For other water systems that are part of a combined distribution system:

(A) For wholesale systems or consecutive systems:

(I) The water system must submit a standard monitoring plan or system specific study plan or 40/30 certification to the Executive Secretary by or receive very small system waiver from the Executive Secretary at the same time as the system with the earliest compliance date in the combined distribution system.

(II) The water system must complete the standard monitoring or system specific study at the same time as the system with the earliest compliance date in the combined distribution system.

(III) The water system must submit the IDSE report to the Executive Secretary by at the same time as the system with the earliest compliance date in the combined distribution system.

(iii) If, within 12 months after the date the water system is required to submit the information in (i)(A)(I), (B)(I), (C)(I), (D)(I) and (ii)(A)(I) above, the Executive Secretary does not approve the water system plan or notify the water system that it has not yet completed its review, the water system may consider the plan that was submitted as approved. The water system must implement that plan and must complete standard monitoring or a system specific study no later than the date identified in (i)(A)(II), (B)(II), (C)(II), (D)(II) and (ii)(A)(II) above.

(iv) The water system must submit the 40/30 certification under R309-210-9(4) by the date identified in (i)(A)(II), (B)(II), (C)(II), (D)(II) and (ii)(A)(II) above.

(v) If, within three months after the date identified in (i)(A)(III), (B)(III), (C)(III), (D)(III) and (ii)(A)(III) above (nine months after the date identified in this column if the water system must comply on the schedule in paragraph (c)(i)(C) of this section), the Executive Secretary does not approve the IDSE report or notify the water system that it has not yet completed its review, the water system may consider the report submitted as approved and must implement the recommended R309-210-10 monitoring as required.

(vi) For the purpose of the schedule in paragraph (c)(i) through (c)(v) of this section, the Executive Secretary may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The Executive Secretary may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

(d) The water system must conduct standard monitoring that meets the requirements in R309-210-9(2), or a system specific study that meets the requirements in R309-210-9(3), or certify to the Executive Secretary that the water system meet 40/30 certification criteria under R309-210-9(4), or qualify for a very small system waiver under R309-210-9(5).

(i) The water system must have taken the full complement of routine TTHM and HAA5 compliance samples required of a system with the population and source water under R309-210-8 (or the water system must have taken the full complement of reduced TTHM and HAA5 compliance samples required of a system with the population and source water under R309-210-8 if the water system meets reduced monitoring criteria under R309-210-8) during the period specified in R309-210-9(4)(a) to meet the 40/ 30 certification criteria in R309-210-9(4) the water system must have taken TTHM and HAA5 samples under R309-200-4(3) and R309-210-8 to be eligible for the very small system waiver in R309-210-9(5).

(ii) If the water system has not taken the required samples, the water system must conduct standard monitoring that meets the requirements in R309-210-9(2), or a system specific study that meets the requirements in R309-210-9(3).

(e) The water system must use only the analytical methods specified in R309-200-4(3), or otherwise approved by EPA for monitoring under this subpart, to demonstrate compliance with the requirements of this subpart.

(f) IDSE results will not be used for the purpose of determining compliance with MCLs in R309-200-5(3)(c).

(2) Standard monitoring.

. . . . . .

(b) Standard monitoring.

(i) The water system must monitor as indicated in paragraph (b)(i). The water system must collect dual sample sets at each monitoring location. One sample in the dual sample set must be analyzed for TTHM. The other sample in the dual sample set must be analyzed for HAA5. The water system must conduct one monitoring period during the peak historical month for TTHM levels or HAA5 levels or the month of warmest water temperature. The water system must review available compliance, study, or operational data to determine the peak historical month for TTHM or HAA5 levels or warmest water temperature.

(A) Surface water systems serving less than 500 population which are consecutive systems.

(I) One monitoring period per year, dual sample sets must be taken during the peak historical month. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken near the entry point of the disinfected water into the distribution system.

(B) Surface water systems serving less than 500 population which are non-consecutive systems.

(I) One monitoring period per year, dual sample sets must be taken during the peak historical month. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken at the high HAA5 location in the distribution system.

(C) Surface water systems serving between 500 to 3,300 population which are consecutive systems.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken near the entry point of the disinfected water into the distribution system.

(D) Surface water systems serving between 500 to 3,300 population which are non-consecutive systems.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken at the high HAA5 location in the distribution system.

(E) Surface water systems serving between 3,301 to 9,999 population.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Four dual samples sets must be collected per monitoring period.

(II) Two dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) One dual sample set must be taken at the high HAA5 location in the distribution system.

(IV) One dual sample set must be taken at an average residence time of the disinfected water in the distribution system.

(F) Surface water systems serving between 10,000 to 49,999 population.

(I) Six monitoring periods per year, dual sample sets must be taken every 60 days. Eight dual samples sets must be collected per monitoring period.

(II) Three dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Two dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) Two dual sample sets must be taken at an average residence time of the disinfected water in the distribution system.

(V) One dual sample set must be taken near the entry point of the disinfected water into the distribution system.

(G) Surface water systems serving between 50,000 to 249,999 population.

(I) Six monitoring periods per year, dual sample sets must be taken every 60 days. 16 dual samples sets must be collected per monitoring period.

(II) Five dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Four dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) Four dual sample sets must be taken at an average residence time of the disinfected water in the distribution system.

(V) Three dual sample sets must be taken near the entry point of the disinfected water into the distribution system.

(H) Surface water systems serving between 250,000 to 999,999 population.

(I) Six monitoring periods per year, dual sample sets must be taken every 60 days. 24 dual samples sets must be collected per monitoring period.

(II) Eight dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Six dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) Six dual sample sets must be taken at an average residence time of the disinfected water in the distribution system.

(V) Four dual sample sets must be taken near the entry point of the disinfected water into the distribution system.

(I) Surface water systems serving between 1,000,000 to 4,999,999 population.

(I) Six monitoring periods per year, dual sample sets must be taken every 60 days. 32 dual samples sets must be collected per monitoring period.

(II) Ten dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Eight dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) Eight dual sample sets must be taken at an average residence time of the disinfected water in the distribution system.

(V) Six dual sample sets must be taken near the entry point of the disinfected water into the distribution system.

(J) Surface water systems serving 5,000,000 or more population.

(I) Six monitoring periods per year, dual sample sets must be taken every 60 days. 40 dual samples sets must be collected per monitoring period.

(II) Twelve dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Ten dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) [~~Eight~~]Ten dual sample sets must be taken at an average residence time of the disinfected water in the distribution system.

(V) Eight dual sample sets must be taken near the entry point of the disinfected water into the distribution system.

(K) Ground water systems serving less than 500 population which are consecutive systems.

(I) One monitoring period per year, dual sample sets must be taken during the peak historical month. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken near the entry point of the disinfected water into the distribution system.

(L) Ground water systems serving less than 500 population which are non-consecutive systems.

(I) One monitoring period per year, dual sample sets must be taken during the peak historical month. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken at the high HAA5 location in the distribution system.

(M) Ground water systems serving between 500 to 9,999 population.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Two dual samples sets must be collected per monitoring period.

(II) One dual sample set must be taken at the high TTHM location in the distribution system.

(III) One dual sample set must be taken at the high HAA5 location in the distribution system.

(N) Ground water systems serving between 10,000 to 99,999 population.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Six dual samples sets must be collected per monitoring period.

(II) Two dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Two dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) One dual sample set must be taken at an average residence time of the disinfected water in the distribution system.

(V) One dual sample set must be taken near the entry point of the disinfected water into the distribution system.

(O) Ground water systems serving between 100,000 to 499,999 population.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Eight dual samples sets must be collected per monitoring period.

(II) Three dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Three dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) One dual sample set must be taken at an average residence time of the disinfected water in the distribution system.

(V) One dual sample set must be taken near the entry point of the disinfected water into the distribution system.

(P) Ground water systems serving 500,000 or greater population.

(I) Four monitoring periods per year, dual sample sets must be taken every 90 days. Twelve dual samples sets must be collected per monitoring period.

(II) Four dual sample sets must be taken at the high TTHM locations in the distribution system.

(III) Four dual sample sets must be taken at the high HAA5 locations in the distribution system.

(IV) Two dual sample sets must be taken at an average residence time of the disinfected water in the distribution system.

(V) Two dual sample sets must be taken near the entry point of the disinfected water into the distribution system.

(Q) A dual sample set (i.e., a TTHM and an HAA5 sample) must be taken at each monitoring location during each monitoring period.

(R) The peak historical month is the month with the highest TTHM or HAA5 levels or the warmest water temperature.

(ii) The water system must take samples at locations other than the existing R309-210-8 monitoring locations. Monitoring locations must be distributed throughout the distribution system.

(iii) If the number of entry points to the distribution system is fewer than the specified number of entry point monitoring locations, excess entry point samples must be replaced equally at high TTHM and HAA5 locations. If there is an odd extra location number, the water system must take a sample at a high TTHM location. If the number of entry points to the distribution system is more than the specified number of entry point monitoring locations, the water system must take samples at entry points to the distribution system having the highest annual water flows.

(iv) The system monitoring under this paragraph (b) may not be reduced under the provisions of R309-105-5(2).

(c) IDSE report. The IDSE report must include the elements required in paragraphs (c)(i) through (c)(iv) of this section. The water system must submit the IDSE report to the Executive Secretary according to the schedule in R309-210-9(1)(c).

(i) The IDSE report must include all TTHM and HAA5 analytical results from R309-210-8 compliance monitoring and all standard monitoring conducted during the period of the IDSE as individual analytical results and LRAAs presented in a tabular or spreadsheet format acceptable to the Executive Secretary. If changed from the standard monitoring plan submitted under paragraph (a) of this section, the report must also include a schematic of the distribution system, the population served, and system type (surface water or ground water).

(ii) The IDSE report must include an explanation of any deviations from the approved standard monitoring plan.

(iii) The water system must recommend and justify R309-210-10 compliance monitoring locations and timing based on the protocol in R309-210-9(6).

(iv) The water system must retain a complete copy of the IDSE report submitted under this section for 10 years after the date that the water system submitted the report. If the Executive Secretary modifies the R309-210-10 monitoring requirements that the water system recommended in the IDSE report or if the Executive Secretary approves alternative monitoring locations, the water system must keep a copy of the Executive Secretary's notification on file for 10 years after the date of the Executive Secretary's notification. The water system must make the IDSE report and any Executive Secretary notification available for review by the Executive Secretary or the public.

. . . . . .

KEY: drinking water, distribution system monitoring, compliance determinations
Date of Enactment or Last Substantive Amendment: [~~May 14, 2007~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Environmental Quality, Drinking Water
R309-215
Monitoring and Water Quality: Treatment Plant Monitoring Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32812
FILED: 07/09/2009, 16:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Groundwater Requirements (Section R309-215-16). There are a total of seven amendments that address these rules (Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-205 is under DAR No. 32810, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Groundwater Requirements (Section R309-215-16) that address general requirements, monitoring, reporting, and record keeping.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-215. Monitoring and Water Quality: Treatment Plant Monitoring Requirements.
R309-215-1. Purpose.

The purpose of this rule is to outline the monitoring and reporting requirements for public water systems which treat water prior to providing it for human consumption.

R309-215-2 Authority.
R309-215-3 Definitions.
R309-215-4 General.
R309-215-5 Monitoring Requirements for Groundwater Disinfection.
R309-215-6 Monitoring Requirements for Miscellaneous Treatment Plants.
R309-215-7 Surface Water Treatment Plant Evaluations.
R309-215-8 Surface Water Treatment Plant Monitoring and Reporting.
R309-215-9 Turbidity Monitoring and Reporting.
R309-215-10 Residual Disinfectant Monitoring.
R309-215-11 Waterborne Disease Outbreak.
R309-215-12 Monitoring Requirements for Disinfection Byproducts Precursors (DBPP).
R309-215-13 Treatment Techniques for control of Disinfection Byproducts Precursors (DBPP).
R309-215-14 Disinfection Profiling and Benchmarking.
R309-215-15 Enhanced Treatment for Cryptosporidium (Federal Subpart W).
R309-215-16 Groundwater Rule.

R309-215-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-215-14. Disinfection Profiling and Benchmarking.

A disinfection profile is a graphical representation of your system's level of Giardia lamblia or virus inactivation measured during the course of a year. Community or non-transient non-community water systems which use surface water or ground water under the direct influence of surface must develop a disinfection profile unless the Executive Secretary determines that a system's profile is unnecessary. The Executive Secretary may approve the use of a more representative data set for disinfection profiling than the data set required under R309-215-14.

. . . . . .

(2) Disinfection profiling.

(a) Any system that is required by paragraph (1) of this section shall develop a disinfection profile of its disinfection practice for a period of up to three years. A disinfection profile consists of the following 3 steps:

(i) The system must collect data for several parameters from the plant over the course of 12 months. If your system serves between 500 and 9,999 persons you must begin to collect data no later than July 1, 2003. If your system serves fewer than 500 persons you must begin to collect data no later than January 1, 2004. If your system serves 10,000 persons or greater than the requirements of R309-215-14(2) are only required if it meets the criteria in paragraph R309-215-14(1)(f).

(ii) The system must use this data to calculate weekly log inactivation as discussed in paragraph (d) of this section.

(iii) The system must use these weekly log inactivations to develop a disinfection profile.

(b) The system shall monitor daily for a period of 12 consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT99.9 values in Tables 1.1-1.6, 2.1, and 3.1 of Section 141.74(b)(3) in the code of Federal Regulations (also available from the Division), as appropriate, through the entire treatment plant. This system shall begin this monitoring not later than April 1, 2000. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system shall conduct the monitoring in paragraphs (2)(b)(i) through (iv) of this section. A system with more than one point of disinfectant application shall conduct the monitoring in paragraphs (2)(b)(i) through (iv) of this section for each disinfection segment. The system shall monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in R309-200-4(3), as follows:

(i) The temperature of the disinfected water shall be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow.

(ii) If the system uses chlorine, the pH of the disinfected water shall be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.

(iii) The disinfectant contact time(s) ("T") shall be determined for each day during peak hourly flow.

(iv) The residual disinfectant concentration(s) ("C") of the water before or at the first customer and prior to each additional point of disinfection shall be measured each day during peak hourly flow.

(v) For systems serving less than 10,000 persons, the above parameters shall be monitored once per week on the same calendar day, over 12 consecutive months for the purposes of disinfection profiling.

(c) In lieu of the monitoring conducted under the provisions of paragraph (2)(b) of this section to develop the disinfection profile, the system may elect to meet the requirements of paragraph (2)(c)(i) of this section. In addition to the monitoring conducted under the provisions of paragraph (2)(b) of this section to develop the disinfection profile, the system may elect to meet the requirements of paragraph (2)(c)(ii) of this section.

(i) A PWS that has three years of existing operational data may submit those data, a profile generated using those data, and a request that the Executive Secretary approve use of those data in lieu of monitoring under the provisions of paragraph (2)(b) of this section not later than March 31, 2000. The Executive Secretary shall determine whether these operational data are substantially equivalent to data collected under the provisions of paragraph (2)(b) of this section. These data shall also be representative of Giardia lamblia inactivation through the entire treatment plant and not just of certain treatment segments. Until the Executive Secretary approves this request, the system is required to conduct monitoring under the provisions of paragraph (2)(b) of this section.

(ii) In addition to the disinfection profile generated under paragraph (2)(b) of this section, a PWS that has existing operational data may use those data to develop a disinfection profile for additional years. Such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of paragraph (3) of this section. The Executive Secretary shall determine whether these operational data are substantially equivalent to data collected under the provisions of paragraph (2)(b) of this section. These data shall also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

(d) The system shall calculate the total inactivation ratio as follows:

(i) If the system uses only one point of disinfectant application, the system may determine the total inactivation ratio for the disinfection segment based on either of the methods in paragraph (2)(d)(i)(A) or (2)(d)(i)(B) of this section.

(A) Determine one inactivation ratio ($CTcalc/CT_{99.9}$) before or at the first customer during peak hourly flow.

(B) Determine successive $CTcalc/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system shall calculate the total inactivation ratio by determining ($CTcalc/CT_{99.9}$) for each sequence and then adding the ($CTcalc/CT_{99.9}$) values together to determine sum of ($CTcalc/CT_{99.9}$).

(ii) If the system uses more than one point of disinfectant application before the first customer, the system shall determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The ($CTcalc/CT_{99.9}$) value of each segment and sum of ($CTcalc/CT_{99.9}$) shall be calculated using the method in paragraph (b)(4)(i) of this section.

(iii) The system shall determine the total logs of inactivation by multiplying the value calculated in paragraph (2)(d)(i) or (ii) of this section by 3.0.

(e) A system that uses either chloramines and chlorine dioxide or ozone for primary disinfection shall also calculate the logs of inactivation for viruses using a method approved by the Executive Secretary.

(f) The system shall retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the Executive Secretary for review as part of sanitary surveys conducted by the Executive Secretary.

(3) Disinfection Benchmarking

(a) Any system required to develop a disinfection profile under the provisions of paragraphs (1) and (2) of this section and that decides to make a significant change to its disinfection practice shall consult with the Executive Secretary prior to making such change. Significant changes to disinfection practice are:

(i) Changes to the point of disinfection;

(ii) Changes to the disinfectant(s) used in the treatment plant;

(iii) Changes to the disinfection process; and

(iv) Any other modification identified by the Executive Secretary.

(b) Any system that is modifying its disinfection practice shall calculate its disinfection benchmark using the procedure specified in paragraphs (3)(b)(i) through (ii) of this section.

(i) For each year of profiling data collected and calculated under paragraph (2) of this section, the system shall determine the lowest average monthly Giardia lamblia inactivation in each year of profiling data. The system shall determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia of inactivation by the number of values calculated for that month.

(ii) The disinfection benchmark is the lowest monthly average value (for systems with one year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of Giardia lamblia inactivation in each year of profiling data.

(c) A system that uses either chloramines, ozone or chlorine dioxide for primary disinfection must calculate the disinfection benchmark from the data the system collected for viruses to develop the disinfection profile in addition to the Giardia lamblia disinfection benchmark calculated under paragraph (b)(i) above. This viral benchmark must be calculated in the same manner used to calculate the Giardia lamblia disinfection benchmark in paragraph (b)(i).

(d) The system shall submit information in paragraphs (3)(d)(i) through (iv) of this section to the Executive Secretary as part of its consultation process.

(i) A description of the proposed change;

(ii) The disinfection profile for Giardia lamblia (and, if necessary, viruses) under paragraph (2) of this section and benchmark as required by paragraph (3)(b) of this section; and

(iii) An analysis of how the proposed change will affect the current levels of disinfection.

(iv) Any additional information requested by the Executive Secretary.

R309-215-16. Groundwater Rule.

(1) Applicability: This subpart applies to all public water systems that use ground water except that it does not apply to public water systems that combine all of their ground water with surface water or with ground water under the direct influence of surface water prior to treatment. For the purposes of this subpart, "ground water system" is defined as any public water system meeting this applicability Executive Secretaryment, including consecutive systems receiving finished ground water.

(a) General requirements: Systems subject to this subpart must comply with the following requirements:

(i) Sanitary survey information requirements for all ground water systems as described in R309-100-7.

(ii) Microbial source water monitoring requirements for ground water systems that do not treat all of their ground water to at least 99.99 percent (4-log) treatment of viruses (using inactivation, removal, or an Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer as described in R309-215-16 (2).

(iii) Treatment technique requirements, described in R309-215-16 (3), that apply to ground water systems that have fecally contaminated source waters, as determined by source water monitoring conducted under R309-215-16 (2), or that have significant deficiencies that are identified by the Executive Secretary or that are identified by EPA under SDWA section 1445. A ground water system with fecally contaminated source water or with significant deficiencies subject to the treatment technique requirements of this subpart must implement one or more of the following corrective action options: correct all significant deficiencies; provide an alternate source of water; eliminate the source of contamination; or provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer.

(b) Ground water systems that provide at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer are required to conduct compliance monitoring to demonstrate treatment effectiveness, as described in R309-215-16(3)(b).

(c) If requested by the Executive Secretary, ground water systems must provide the Executive Secretary with any existing information that will enable the Executive Secretary to perform a hydrogeologic sensitivity assessment. For the purposes of this subpart, "hydrogeologic sensitivity assessment" is a determination of whether ground water systems obtain water from hydrogeologically sensitive settings.

(d) Compliance date: Ground water systems must comply, unless otherwise noted, with the requirements of this subpart beginning December 1, 2009.

(2) Ground water source microbial monitoring and analytical methods.

(a) Triggered source water monitoring.

(i) General requirements. A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(i)(A) and (a)(i)(B) of this section exist.

(A) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and

(B) The system is notified that a sample collected under R309-210-5(1)is total coliform-positive and the sample is not invalidated under R309-210-5(4).

(ii) Sampling Requirements. A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under R309-210-5(1), except as provided in paragraph (a)(ii)(B) of this section.

(A) The Executive Secretary may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Executive

Secretary must specify how much time the system has to collect the sample.

(B) If approved by the Executive Secretary, systems with more than one ground water source may meet the requirements of this paragraph (a)(ii) by sampling a representative ground water source or sources. Systems must submit for Executive Secretary approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample site plan under R309-210-5(1)(d) and that the system intends to use for representative sampling under this paragraph.

(C) A ground water system serving 1,000 people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of R309-210-5(2)(a) and to satisfy the monitoring requirements of paragraph (a)(ii) of this section for that ground water source only if the Executive Secretary approves the use of E. coli as a fecal indicator for source water monitoring under this paragraph (a). If the repeat sample collected from the ground water source is E.coli positive, the system must comply with paragraph (a)(iii) of this section.

(iii) Additional Requirements. If the Executive Secretary does not require corrective action under R309-215-16 (3)(a)(ii) for a fecal indicator-positive source water sample collected under paragraph (a)(ii) of this section that is not invalidated under paragraph (d) of this section, the system must collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator-positive sample.

(iv) Consecutive and Wholesale Systems.

(A) In addition to the other requirements of this paragraph (a), a consecutive ground water system that has a total coliform-positive sample collected under R309-210-5(1) must notify the wholesale system(s) within 24 hours of being notified of the total coliform-positive sample.

(B) In addition to the other requirements of this paragraph (a), a wholesale ground water system must comply with paragraphs (a)(iv)(B)(I) and (a)(iv)(B)(II) of this section.

(I) A wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under R309-210-5(1) is total coliform-positive must, within 24 hours of being notified, collect a sample from its ground water source(s) under paragraph (a)(ii) of this section and analyze it for a fecal indicator under paragraph (c) of this section.

(II) If the sample collected under paragraph (a)(iv)(B)(I) of this section is fecal indicator-positive, the wholesale ground water system must notify all consecutive systems served by that ground water source of the fecal indicator source water positive within 24 hours of being notified of the ground water source sample monitoring result and must meet the requirements of paragraph (a)(iii) of this section.

(v) Exceptions to the Triggered Source Water Monitoring Requirements. A ground water system is not required to comply with the source water monitoring requirements of paragraph (a) of this section if either of the following conditions exists:

(A) The Executive Secretary determines, and documents in writing, that the total coliform-positive sample collected under R309-210-5(1)is caused by a distribution system deficiency; or

(B) The total coliform-positive sample collected under R309-210-5(1) is collected at a location that meets Executive Secretary criteria for distribution system conditions that will cause total coliform-positive samples.

(b) Assessment Source Water Monitoring. If directed by the Executive Secretary, ground water systems must conduct assessment source water monitoring that meets Executive Secretary-determined requirements for such monitoring. A ground water system conducting assessment source water monitoring may use a triggered source water sample collected under paragraph (a)(ii) of this section to meet the requirements of paragraph (b) of this section. Executive Secretary-determined assessment source water monitoring requirements may include:

(i) collection of a total of 12 ground water source samples that represent each month the system provides ground water to the public,

(ii) collection of samples from each well unless the system obtains written Executive Secretary approval to conduct monitoring at one or more wells within the ground water system that are representative of multiple wells used by that system and that draw water from the same hydrogeologic setting,

(iii) collection of a standard sample volume of at least 100 mL for fecal indicator analysis regardless of the fecal indicator or analytical method used,

(iv) analysis of all ground water source samples using one of the analytical methods listed in the in paragraph (c)(ii) of this section for the presence of E. coli, enterococci, or coliphage,

(v) collection of ground water source samples at a location prior to any treatment of the ground water source unless the Executive Secretary approves a sampling location after treatment, and

(vi) collection of ground water source samples at the well itself unless the system's configuration does not allow for sampling at the well itself and the Executive Secretary approves an alternate sampling location that is representative of the water quality of that well.

(c) Invalidation of a fecal indicator-positive ground water source sample.

(i) A ground water system may obtain Executive Secretary invalidation of a fecal indicator-positive ground water source sample collected under paragraph (a) of this section only under the conditions specified in paragraphs (c)(i)(A) and (B) of this section.

(A) The system provides the Executive Secretary with written notice from the laboratory that improper sample analysis occurred; or

(B) The Executive Secretary determines and documents in writing that there is substantial evidence that a fecal indicator-positive ground water source sample is not related to source water quality.

(ii) If the Executive Secretary invalidates a fecal indicator-positive ground water source sample, the ground water system must collect another source water sample under paragraph (a) of this section within 24 hours of being notified by the Executive Secretary of its invalidation decision and have it analyzed for the same fecal indicator using the analytical methods in paragraph (c) of this section. The Executive Secretary may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Executive Secretary must specify how much time the system has to collect the sample.

(d) Sampling location.

(i) Any ground water source sample required under paragraph (a) of this section must be collected at a location prior to any treatment of the ground water source unless the Executive Secretary approves a sampling location after treatment.

(ii) If the system's configuration does not allow for sampling at the well itself, the system may collect a sample at a Executive Secretary-approved location to meet the requirements of paragraph (a) of this section if the sample is representative of the water quality of that well.

(e) New Sources. If directed by the Executive Secretary, a ground water system that places a new ground water source into service after November 30, 2009, must conduct assessment source water monitoring under paragraph (b) of this section. If directed by the Executive Secretary, the system must begin monitoring before the ground water source is used to provide water to the public.

(f) Public Notification. A ground water system with a ground water source sample collected under paragraph (a) or (b) of this section that is fecal indicator-positive and that is not invalidated under paragraph (d) of this section, including consecutive systems served by the ground water source, must conduct public notification under R309-220-5.

(g) Monitoring Violations. Failure to meet the requirements of paragraphs (a)-(f) of this section is a monitoring violation and requires the ground water system to provide public notification under R309-220-7.

(3) Treatment technique requirements for ground water systems.

(a) Ground water systems with significant deficiencies or source water fecal contamination.

(i) The treatment technique requirements of this section must be met by ground water systems when a significant deficiency is identified or when a ground water source sample collected under R309-215-16(2)(a)(iii) is fecal indicator-positive.

(ii) If directed by the Executive Secretary, a ground water system with a ground water source sample collected under R309-215-16(2)(a)(ii), R309-215-16(2)(a)(iv), or R309-215-16(2)(b) that is fecal indicator-positive must comply with the treatment technique requirements of this section.

(iii) When a significant deficiency is identified at a public water system that uses both ground water and surface water or ground water under the direct influence of surface water, the system must comply with provisions of this paragraph except in cases where the Executive Secretary determines that the significant deficiency is in a portion of the distribution system that is served solely by surface water or ground water under the direct influence of surface water.

(iv) Unless the Executive Secretary directs the ground water system to implement a specific corrective action, the ground water system must consult with the Executive Secretary regarding the appropriate corrective action within 30 days of receiving written notice from the Executive Secretary of a significant deficiency, written notice from a laboratory that a ground water source sample collected under R309-215-16(2)(a)(iii) was found to be fecal indicator-positive, or direction from the Executive Secretary that a fecal indicator-positive collected under R309-215-16(2)(a)(ii), R309-215-16(2)(a)(iv), or R309-215-16(2)(b) requires corrective action. For the purposes of this subpart, significant deficiencies include, but are not limited to, defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Executive Secretary determines to be causing, or have potential for causing, the introduction of contamination into the water delivered to consumers.

(v) Within 120 days (or earlier if directed by the Executive Secretary) of receiving written notification from the Executive Secretary of a significant deficiency, written notice from a laboratory that a ground water source sample collected under R309-215-16(2)(a)(iii) was found to be fecal indicator-positive, or direction from the Executive Secretary that a fecal indicator-positive sample collected under R309-215-16(2)(a)(ii), R309-215-16(2)(a)(iv), or R309-215-16(2)(b) requires corrective action, the ground water system must either:

(A) have completed corrective action in accordance with applicable Executive Secretary plan review processes or other Executive Secretary guidance or direction, if any, including Executive Secretary-specified interim measures; or

(B) be in compliance with a Executive Secretary-approved corrective action plan and schedule subject to the conditions specified in paragraphs (a)(v)(B)(I) and (a)(v)(B)(II) of this section.

(I) Any subsequent modifications to a Executive Secretary-approved corrective action plan and schedule must also be approved by the Executive Secretary.

(II) If the Executive Secretary specifies interim measures for protection of the public health pending Executive Secretary approval of the corrective action plan and schedule or pending completion of the corrective action plan, the system must comply with these interim measures as well as with any schedule specified by the Executive Secretary.

(vi) Corrective Action Alternatives. Ground water systems that meet the conditions of paragraph (a)(i) or (a)(ii) of this section must implement one or more of the following corrective action alternatives:

(A) correct all significant deficiencies;

(B) provide an alternate source of water;

(C) eliminate the source of contamination; or

(D) provide treatment that reliably achieves at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source.

(vii) Special notice to the public of significant deficiencies or source water fecal contamination.

(A) In addition to the applicable public notification requirements of R309-220-5, a community ground water system that receives notice from the Executive Secretary of a significant deficiency or notification of a fecal indicator-positive ground water source sample that is not invalidated by the Executive Secretary under R309-215-16(2)(d) must inform the public served by the water system under R309-225-5(8)of the fecal indicator-positive source sample or of any significant deficiency that has not been corrected. The system must continue to inform the public annually until the significant deficiency is corrected or the fecal contamination in the ground water source is determined by the Executive Secretary to be corrected under paragraph (a)(v) of this section.

(B) In addition to the applicable public notification requirements of R309-220-5, a non-community ground water system that receives notice from the Executive Secretary of a significant deficiency must inform the public served by the water system in a manner approved by the Executive Secretary of any significant deficiency that has not been corrected within 12 months of being notified by the Executive Secretary, or earlier if directed by the Executive Secretary. The system must continue to inform the public annually until the significant deficiency is corrected. The information must include:

(I) The nature of the significant deficiency and the date the significant deficiency was identified by the Executive Secretary;

(II) The Executive Secretary-approved plan and schedule for correction of the significant deficiency, including interim measures, progress to date, and any interim measures completed; and

(III) For systems with a large proportion of non-English speaking consumers, as determined by the Executive Secretary, information in the appropriate language(s) regarding the importance of the notice or a telephone number or address where consumers may contact the system to obtain a translated copy of the notice or assistance in the appropriate language.

(C) If directed by the Executive Secretary, a non-community water system with significant deficiencies that have been corrected must inform its customers of the significant deficiencies, how the deficiencies were corrected, and the dates of correction under paragraph (a)(vii)(B) of this section.

(b) Compliance monitoring.

(i) Existing ground water sources. A ground water system that is not required to meet the source water monitoring requirements of this subpart for any ground water source because it provides at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for any ground water source before December 1, 2009, must notify the Executive Secretary in writing that it provides at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for the specified ground water source and begin compliance monitoring in accordance with paragraph (b)(iii) of this section by December 1, 2009. Notification to the Executive Secretary must include engineering, operational, or other information that the Executive Secretary requests to evaluate the submission. If the system subsequently discontinues 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for a ground water source, the system must conduct ground water source monitoring as required under R309-215-16(2).

(ii) New ground water sources. A ground water system that places a ground water in service after November 30, 2009, that is not required to meet the source water monitoring requirements of this subpart because the system provides at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source must comply with the requirements of paragraphs (b)(ii)(A), (b)(ii)(B) and (b)(ii)(C) of this section.

(A) The system must notify the Executive Secretary in writing that it provides at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source. Notification to the Executive Secretary must include engineering, operational, or other information that the Executive Secretary requests to evaluate the submission.

(B) The system must conduct compliance monitoring as required under R309-215-16 (3)(b)(iii) of this subpart within 30 days of placing the source in service.

(C) The system must conduct ground water source monitoring under R309-215-16(2) if the system subsequently discontinues 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for the ground water source.

(iii) Monitoring requirements. A ground water system subject to the requirements of paragraph (b)(i) or (b)(ii) of this section must monitor the effectiveness and reliability of treatment for that ground water source before or at the first customer as follows:

(A) Chemical disinfection.

(I) Ground water systems serving greater than 3,300 people. A ground water system that serves greater than 3,300 people must continuously monitor the residual disinfectant concentration using analytical methods specified in R444-14-4 at a location approved by the Executive Secretary and must record the lowest residual disinfectant concentration each day that water from the ground water source is served to the public. The ground water system must maintain the Executive Secretary-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within 14 days.

(II) Ground water systems serving 3,300 or fewer people. A ground water system that serves 3,300 or fewer people must monitor the residual disinfectant concentration using analytical methods specified in R444-14-4 at a location approved by the Executive Secretary and record the residual disinfection concentration each day that water from the ground water source is served to the public. The ground water system must maintain the Executive Secretary-determined residual disinfectant concentration every day the ground water system serves water from the ground water source to the public. The ground water system must take a daily grab sample during the hour of peak flow or at another time specified by the Executive Secretary. If any daily grab sample measurement falls below the Executive Secretary-determined residual disinfectant concentration, the ground water system must take follow-up samples every four hours until the residual disinfectant concentration is restored to the Executive Secretary-determined level. Alternatively, a ground water system that serves 3,300 or fewer people may monitor continuously and meet the requirements of paragraph (b)(iii)(A)(I) of this section.

(B) Membrane filtration. A ground water system that uses membrane filtration to meet the requirements of this subpart must monitor the membrane filtration process in accordance with all Executive Secretary-specified monitoring requirements and must operate the membrane filtration in accordance with all Executive Secretary-specified compliance requirements. A ground water system that uses membrane filtration is in compliance with the requirement to achieve at least 4-log removal of viruses when:

(I) The membrane has an absolute molecular weight cut-off (MWCO), or an alternate parameter that describes the exclusion characteristics of the membrane, that can reliably achieve at least 4-log removal of viruses;

(II) The membrane process is operated in accordance with Executive Secretary-specified compliance requirements; and

(III) The integrity of the membrane is intact.

(C) Alternative treatment. A ground water system that uses a Executive Secretary-approved alternative treatment to meet the requirements of this subpart by providing at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer must:

(I) Monitor the alternative treatment in accordance with all Executive Secretary-specified monitoring requirements; and

(II) Operate the alternative treatment in accordance with all compliance requirements that the Executive Secretary determines to be necessary to achieve at least 4-log treatment of viruses.

(c) Discontinuing treatment. A ground water system may discontinue 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for a ground water source if the Executive Secretary determines and documents in writing that 4-log treatment of viruses is no longer necessary for that ground water source. A system that discontinues 4-log treatment of viruses is subject to the source water monitoring and analytical methods requirements of R309-215-16(2) of this subpart.

(d) Failure to meet the monitoring requirements of paragraph (b) of this section is a monitoring violation and requires the ground water system to provide public notification under R309-220-7.

(4) Treatment technique violations for ground water systems.

(a) A ground water system with a significant deficiency is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Executive Secretary) of receiving written notice from the Executive Secretary of the significant deficiency, the system:

(i) Does not complete corrective action in accordance with any applicable Executive Secretary plan review processes or other Executive Secretary guidance and direction, including Executive Secretary specified interim actions and measures, or

(ii) Is not in compliance with a Executive Secretary-approved corrective action plan and schedule.

(b) Unless the Executive Secretary invalidates a fecal indicator-positive ground water source sample under R309-215-16(2)(d), a ground water system is in violation of the treatment technique requirement if, within 120 days (or earlier if directed by the Executive Secretary) of meeting the conditions of R309-215-16(3)(a)(i) or R309-215-16(3)(a)(ii), the system:

(i) Does not complete corrective action in accordance with any applicable Executive Secretary plan review processes or other Executive Secretary guidance and direction, including Executive Secretary-specified interim measures, or

(ii) Is not in compliance with a Executive Secretary-approved corrective action plan and schedule.

(c) A ground water system subject to the requirements of R309-215-16(3)(b)(iii) that fails to maintain at least 4-log treatment of viruses (using inactivation, removal, or a Executive Secretary-approved combination of 4-log virus inactivation and removal) before or at the first customer for a ground water source is in violation of the treatment technique requirement if the failure is not corrected within four hours of determining the system is not maintaining at least 4-log treatment of viruses before or at the first customer.

(d) Ground water system must give public notification under R309-220-6 for the treatment technique violations specified in paragraphs (a), (b) and (c) of this section.

(5) Reporting and recordkeeping for ground water systems.

(a) Reporting. In addition to the requirements of R309-105-16, a ground water system regulated under this subpart must provide the following information to the Executive Secretary:

(i) A ground water system conducting compliance monitoring under R309-215-16(3)(b) must notify the Executive Secretary any time the system fails to meet any Executive Secretary-specified requirements including, but not limited to, minimum residual disinfectant concentration, membrane operating criteria or membrane integrity, and alternative treatment operating criteria, if operation in accordance with the criteria or requirements is not restored within four hours. The ground water system must notify the Executive Secretary as soon as possible, but in no case later than the end of the next business day.

(ii) After completing any corrective action under R309-215-16(3)(a), a ground water system must notify the Executive Secretary within 30 days of completion of the corrective action.

(iii) If a ground water system subject to the requirements of R309-215-16(2)(a) does not conduct source water monitoring under R309-215-16(2)(a)(v)(B), the system must provide documentation to the Executive Secretary within 30 days of the total coliform positive sample that it met the Executive Secretary criteria.

(b) Recordkeeping. In addition to the requirements of R309-105-17, a ground water system regulated under this subpart must maintain the following information in its records:

(i) Documentation of corrective actions. Documentation shall be kept for a period of not less than ten years.

(ii) Documentation of notice to the public as required under R309-215-16(3)(a)(vii). Documentation shall be kept for a period of not less than three years.

(iii) Records of decisions under R309-215-16(2)(a)(v)(B) and records of invalidation of fecal indicator-positive ground water source samples under R309-215-16(2)(d). Documentation shall be kept for a period of not less than five years.

(iv) For consecutive systems, documentation of notification to the wholesale system(s) of total-coliform positive samples that are not invalidated under R309-210-5(4). Documentation shall be kept for a period of not less than five years.

(v) For systems, including wholesale systems, that are required to perform compliance monitoring under R309-215-16(3)(b):

(A) Records of the Executive Secretary-specified minimum disinfectant residual. Documentation shall be kept for a period of not less than ten years.

(B) Records of the lowest daily residual disinfectant concentration and records of the date and duration of any failure to maintain the Executive Secretary-prescribed minimum residual disinfectant concentration for a period of more than four hours. Documentation shall be kept for a period of not less than five years.

(C) Records of Executive Secretary-specified compliance requirements for membrane filtration and of parameters specified by the Executive Secretary for Executive Secretary-approved alternative treatment and records of the date and duration of any failure to meet the membrane operating, membrane integrity, or alternative treatment operating requirements for more than four hours. Documentation shall be kept for a period of not less than five years.

KEY: drinking water, surface water treatment plant monitoring, disinfection monitoring, compliance determinations
Date of Enactment or Last Substantive Amendment: [~~May 14, 2007~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

Environmental Quality, Drinking Water
R309-220
Monitoring and Water Quality: Public Notification Requirements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32813
FILED: 07/09/2009, 16:33

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Groundwater Requirements (Section R309-215-16). There are a total of seven amendments that address these rules (Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-205 is under DAR No. 32810, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Groundwater Requirements (Section R309-215-16) that address public notification.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-205, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000.

❖ LOCAL GOVERNMENTS: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually. EPA further estimates that the greatest expense to water systems will be during implementation.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-220. Monitoring and Water Quality: Public Notification Requirements.
R309-220-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-220-5. Tier 1 Public Notice -- Form, Manner and Frequency of Notice.

(1) Violation Categories and Other Situations Requiring a Tier 1 Public Notice:

(a) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in R309-200-5(6)(b)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in R309-205-5(5));

(b) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in R309-200-5(1)(c), Table 200-1, or when the water system fails to take a confirmation sample within 24 hours of the

system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in R309-205-5(1)(e)(ii);

(c) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the Executive Secretary under R309-200-5(1)(c), Table 200-1, note (4)(b), as required under R309-220-12;

(d) Violation of the MRDL for chlorine dioxide, as defined in 40 CFR section 141.65(a), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in 40 CFR section 141.133(c)(2)(i);

(e) Violation of the turbidity MCL under R309-200-5(5)(a), where the Executive Secretary determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

(f) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment rule (IESWTR) or the Long Term 1 Enhanced Surface Water Treatment rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, where the Executive Secretary determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

(g) Occurrence of a waterborne disease outbreak, as defined in R309-110, or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

(h) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Executive Secretary either in its rules or on a case-by-case basis.

(i) Detection of E. coli, enterococci, or coliphage in source water samples as specified in R309-215-16(2)(a) and R309-215-16(b).

(2) Frequency of the Tier 1 Public Notice and Additional Steps Required:

Public water systems must:

(a) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation;

(b) Initiate consultation with the Executive Secretary as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(c) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Executive Secretary. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(3) Form and Manner of the Public Notice:

Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(a) Appropriate broadcast media (such as radio and television);

(b) Posting of the notice in conspicuous locations throughout the area served by the water system;

(c) Hand delivery of the notice to persons served by the water system; or

(d) Another delivery method approved in writing by the Executive Secretary.

R309-220-6. Tier 2 Public Notice -- Form, Manner and Frequency of Notice.

(1) Violation Categories And Other Situations Requiring a Tier 2 Public Notice:

(a) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under R309-220-5(1) or where the Executive Secretary determines that a Tier 1 notice is required;

(b) Violations of the monitoring and testing procedure requirements, where the Executive Secretary determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

(c) Failure to comply with the terms and conditions of any variance or exemption in place.

(d) Failure to take corrective action or failure to maintain at least 4-log treatement of viruses (using inactivation, removal, or an Executive Secretary-approved combination of 4-log virus inactiviation and removal) before or at the first customer under R309-215-16(3)(a).

(2) Frequency of the Tier 2 Public Notice:

(a) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The Executive Secretary may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. It is not appropriate for the Executive Secretary to grant an extension to the 30-day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Executive Secretary must be in writing.

(b) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the Executive Secretary determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Executive Secretary to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule, Interim Enhanced Surface Water Treatment Rule or Filter Backwash Recycling Rule. It is also not appropriate for the Executive Secretary to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. Executive Secretary determinations allowing repeat notices to be given less frequently than once every three months must be in writing.

(c) For the turbidity violations specified in this paragraph, public water systems must consult with the Executive Secretary as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under R309-220-5(1) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours (i.e., no later than 48 hours after the system learns of the violation),

following the requirements under R309-220-5(2) and (3). Consultation with the Executive Secretary is required for:

(i) Violation of the turbidity MCL under R309-200-5(5)(a); or

(ii) Violation of the SWTR, IESWTR or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(3) Form and Manner of the Public Notice:

Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(a) Unless directed otherwise by the Executive Secretary in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (3)(a)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(b) Unless directed otherwise by the Executive Secretary in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (3)(b)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

R309-220-7. Tier 3 Public Notice -- Form, Manner and Frequency of Notice.

(1) Violation Categories And Other Situations Requiring a Tier 3 Public Notice:

(a) Monitoring violations under R309-205, R309-210 and R309-215, except where a Tier 1 notice is required under R309-220-5(1) or where the Executive Secretary determines that a Tier 2 notice is required;

(b) Failure to comply with a testing procedure established in R309-205, R309-210 and R309-215, except where a Tier 1 notice is required under R309-220-5(1) or where the Executive Secretary determines that a Tier 2 notice is required;

(c) Operation under a variance granted under R309-100-10;

(d) Availability of unregulated contaminant monitoring results, as required under R309-220-10; and

(e) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under R309-220-11.

(2) Frequency of the Tier 3[~~2~~] Public Notice:

(a) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days (even if the violation or situation is resolved).

(b) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of paragraph (2)(a) of this section are met.

(3) Form and Manner of the Public Notice:

Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(a) Unless directed otherwise by the Executive Secretary in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (3)(a)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

(b) Unless directed otherwise by the Executive Secretary in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(ii) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in paragraph (3)(b)(i) of this section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

(4) Use of the Consumer Confidence Report to meet the Tier 3 public notice requirements:

For community water systems, the Consumer Confidence Report (CCR) required under R309-225 may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as:

(a) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under r309-220-7(2);

(b) The Tier 3 notice contained in the CCR follows the content requirements under R309-220-8; and

(c) The CCR is distributed following the delivery requirements under R309-220-7(3).

R309-220-15. Standard Health Effects Language.

Microbiological Contaminants:

(1) Total Coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

(2) Fecal coliform/E.Coli. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

(3) Total organic carbon. Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acides (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

(4) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1) and Filter Backwash Recycling Rule (FBRR) violations.

(5) Giardia lamblia. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(6) Viruses. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(7) Heterotrophic plate count (HPC) bacteria. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(8) Legionella. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(9) Cryptosporidium. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(10) Fecal Indicators. Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these waste can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

Radioactive Contaminants:

[~~(10)~~](11) Alpha emitters. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(11)~~](12) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(12)~~](13) Combined Radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(13)~~](14) Uranium. Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Inorganic Contaminants:

[~~(14)~~](15) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

[~~(15)~~](16) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

[~~(16)~~](17) Asbestos. Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

[~~(17)~~](18) Barium. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

[~~(18)~~](19) Beryllium. Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

[~~(19)~~](20) Cadmium. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

[~~(20)~~](21) Chromium. Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

[~~(21)~~](22) Copper. Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

[~~(22)~~](23) Cyanide. Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

[~~(23)~~](24) Fluoride. Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorisis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.

[~~(24)~~](25) Lead. Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in

attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

[~~(25)~~](26) Mercury (inorganic). Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

[~~(26)~~](27) Nitrate. Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

[~~(27)~~](28) Nitrite. Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

[~~(28)~~](29) Selenium. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

[~~(29)~~](30) Thallium. Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

[~~(30)~~](31) 2,4-D. Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

[~~(31)~~](32) 2,4,5-TP (Silvex). Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

[~~(32)~~](33) Acrylamide. Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

[~~(33)~~](34) Alachlor. Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

[~~(34)~~](35) Atrazine. Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

[~~(35)~~](36) Benzo(a)pyrene (PAH). Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

[~~(36)~~](37) Carbofuran. Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

[~~(37)~~](38) Chlordane. Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

[~~(38)~~](39) Dalapon. Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

[~~(39)~~](40) Di (2-ethylhexyl) adipate. Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

[~~(40)~~](41) Di (2-ethylhexyl) phthalate. Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

[~~(41)~~](42) Dibromochloropropane (DBCP). Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

[~~(42)~~](43) Dinoseb. Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

[~~(43)~~](44) Dioxin (2,3,7,8-TCDD). Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

[~~(44)~~](45) Diquat. Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

[~~(45)~~](46) Endothall. Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

[~~(46)~~](47) Endrin. Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

[~~(47)~~](48) Epichlorohydrin. Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

[~~(48)~~](49) Ethylene dibromide. Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

[~~(49)~~](50) Glyphosate. Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

[~~(50)~~](51) Heptachlor. Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

[~~(51)~~](52) Heptachlor epoxide. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

[~~(52)~~](53) Hexachlorobenzene. Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

[~~(53)~~](54) Hexachlorocyclopentadiene. Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

[~~(54)~~](55) Lindane. Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

[~~(55)~~](56) Methoxychlor. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

[~~(56)~~](57) Oxamyl (Vydate). Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

[~~(57)~~](58) PCBs (Polychlorinated biphenyls). Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

[~~(58)~~](59) Pentachlorophenol. Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

[~~(59)~~](60) Picloram. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

[~~(60)~~](61) Simazine. Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

[~~(61)~~](62) Toxaphene. Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile Organic Contaminants:

[~~(62)~~](63) Benzene. Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

[~~(63)~~](64) Bromate. Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(64)~~](65) Carbon Tetrachloride. Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

[~~(65)~~](66) Chloramines. Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

[~~(66)~~](67) Chlorine. Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

[~~(67)~~](68) Chlorite. Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

[~~(68)~~](69) Chlorine dioxide. Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

[~~(69)~~](70) Chlorobenzene. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

[~~(70)~~](71) o-Dichlorobenzene. Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

[~~(71)~~](72) p-Dichlorobenzene. Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

[~~(72)~~](73) 1,2-Dichloroethane. Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(73)~~](74) 1,1-Dichloroethylene. Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

[~~(74)~~](75) cis-1,2-Dichloroethylene. Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

[~~(75)~~](76) trans-1,2-Dicholoroethylene. Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

[~~(76)~~](77) Dichloromethane. Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

[~~(77)~~](78) 1,2-Dichloropropane. Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(78)~~](79) Ethylbenzene. Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

[~~(79)~~](80) Haloacetic Acids (HAA). Some piple who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(80)~~](81) Styrene. Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

[~~(81)~~](82) Tetrachloroethylene. Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

[~~(82)~~](83) 1,2,4-Trichlorobenzene. Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

[~~(83)~~](84) 1,1,1,-Trichloroethane. Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

[~~(84)~~](85) 1,1,2-Trichloroethane. Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

[~~(85)~~](86) Trichloroethylene. Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

[~~(86)~~](87) TTHMs (Total Trihalomethanes). Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

[~~(87)~~](88) Toluene. Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

[~~(88)~~](89) Vinyl Chloride. Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

[~~(89)~~](90) Xylenes. Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

KEY: drinking water, public notification, health effects
Date of Enactment or Last Substantive Amendment: [~~May 14, 2007~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Environmental Quality, Drinking Water
R309-225
Monitoring and Water Quality: Consumer Confidence Reports

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32814
FILED: 07/09/2009, 16:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is to address the changes required by the Lead and Copper Short Term Revisions and the Groundwater Requirements (Section R309-215-16). There are a total of nine amendments that address these rules (Rules R309-100, R309-105, R309-110, R309-200, R309-205, R309-210, R309-215, R309-220, and R309-225). This rule adoption is necessary to maintain primacy. (DAR NOTE: The proposed amendment to Rule R309-100 is under DAR No. 32806, to Rule R309-105 is under DAR No. 32807, to Rule R309-110 is under DAR No. 32808, to Rule R309-200 is under DAR No. 32809, to Rule R309-205 is under DAR No. 32810, to Rule R309-210 is under DAR No. 32811, to Rule R309-215 is under DAR No. 32812, to Rule R309-220 is under DAR No. 32813, and to Rule R309-225 is under DAR No. 32814 all in this issue, August 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This change incorporates the requirements of the Lead and Copper Short Term Revisions and the Groundwater Requirements (Section R309-215-16) that address the consumer confidence report requirements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and 40 CFR 141 subpart S, and 40 CFR 141.80 through 141.90 and 141.154

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: For the Groundwater Requirements (Section R309-215-16): Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-100, R309-105, R309-110, R309-200, R309-205, R309-210, R309-215, R309-220, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $11,700,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $117,000. For the Lead and Copper Short Term Revisions: Costs for the state budget, local governments, and other persons will be based on an aggregate for the changes in Rules R309-210, R309-210, and R309-225. The Environmental Protection Agency (EPA) estimates state costs to be $657,000 annually. Using the percentage of Utah systems versus the national total (approximately 1%), Utah's annual impact is approximately $6,570.

❖ LOCAL GOVERNMENTS: For the Groundwater Requirements (Section R309-215-16): For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $50,600,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $506,000 annually. For the Lead and Copper Short Term Revisions: For this rule change, aggregate costs will vary by type of water source, type of treatment, and physical facility deficiencies. EPA estimates the total national annual cost at $5,677,000. Using the percentage of Utah systems versus the national total, Utah's systems' impact is estimated to be $56,770 annually.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: For the Groundwater Requirements (Section R309-215-16): Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0.21 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above. For Lead and Copper Short Term Revisions: Other persons that own and operate a public water system may have the same cost impact as listed in "local government" above. Costs to consumers will vary depending upon the water system size. EPA estimates the costs to vary from $0 to $17 per household per year. The highest costs are associated with water systems that do not already notify the public. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Aggregate compliance costs for the rule change will vary depending upon the water system size, type of source, type of treatment, and physical facility deficiencies. EPA estimates the costs to vary from $0 to $82.21 per household per year. The highest costs are associated with the small water systems that have to complete corrective actions. Persons that own and operate a public water system may have the same costs impact as listed under "local government" above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in the cost and compliance summaries above. Amanda Smith, Acting Executive Director

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

ENVIRONMENTAL QUALITY
DRINKING WATER

150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Rachael Cassady at the above address, by phone at 801-536-4467, by FAX at 801-536-4211, or by Internet E-mail at rcassady@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.
R309-225. Monitoring and Water Quality: Consumer Confidence Reports.
R309-225-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with [~~63-46a~~]63G-3 of the same, known as the Administrative Rulemaking Act.

R309-225-5. Content of the Reports.

(1) Each community water system must provide to its customers an annual report that contains the information specified in this section and R309-225-6.

. . . . . .

(8) Additional information.

(a) The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of paragraphs (8)(a)(i) through (iii) or systems may use their own comparable language. The report also must include the language of paragraph (8)(a)(iv) of this section.

(i) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

(ii) Contaminants that may be present in source water include:

(A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(B) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

(D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(E) Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

(iii) In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

(iv) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

(b) The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.

(c) In communities with a large proportion of non-English speaking residents, as determined by the Executive Secretary, the report must contain information in the appropriate language(s) regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(d) The report must include information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.

(e) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

(f) Systems required to comply with R309-215-16.

(i) Any ground water system that receives notice from the Executive Secretary of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the Executive Secretary under R309-215-16(2)(d) must inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator-positive ground water source sample in the next report. The system must continue to inform the public annually until the Executive Secretary determines that particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under R309-215-16(3)(a). Each report must include the following elements.

(A) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the Executive Secretary or the dates of the fecal indicator-positive ground water source samples;

(B) If the fecal contamination in the ground water source has been addressed under R309-215-16(3)(a) and the date of such action;

(C) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under R309-215-16(3)(a), the Executive Secretary-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) If the system receives notice of a fecal indicator-positive ground water source sample that is not invalidated by the Executive

Secretary under R309-215-16(2)(d), the potential health effects using the health effects language of Appendix A of subpart O.

(ii) If directed by the Executive Secretary, a system with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under paragraph (8)(f)(i) of this section.

R309-225-6. Required Additional Health Information.

(1) All reports must prominently display the following language:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

(2) A system which detects arsenic at levels above 5 micrograms per liter, but below the MCL:

(a) Must include in its report a short informational statement about arsenic, using language such as: While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

(b) May write its own educational statement, but only in consultation with the Executive Secretary.

(3) A system which detects nitrate at levels above 5 mg/L, but below the MCL:

(a) Must include a short informational statement about the impacts of nitrate on children using language such as: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant you should ask advice from your health care provider.

(b) May write its own educational statement, but only in consultation with the Executive Secretary.

(4) Every report must include the following lead-specific information:

(a) A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. {NAME OF UTILITY} is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at http://www.epa.gov/safewater/lead.

(b) A system may write its own educational statement, but only in consultation with the Executive Secretary.[~~Systems which detect lead above the action level in more than 5 percent, and up to and including 10 percent, of homes sampled:~~

~~(a) Must include a short informational statement about the special impact of lead on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for 30 seconds to 2 minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).~~

~~(b) May write its own educational statement, but only in consultation with the Executive Secretary.~~]

(5) Community water systems that detect TTHM above 0.080 mg/L (milligrams per liter), but below the MCL in R309-200-5(3)(c), as an annual average, monitored and calculated under the provisions of R309-210-8, must include health effects language for TTHMs prescribed in R309-220-14.

(6) Beginning in the report due by July 1, 2002 and ending January 22, 2006, a community water system that detects arsenic above 0.01 milligrams per liter and up to and including 0.05 milligrams per liter must include the arsenic health effects language prescribed in R309-220-14.

R309-225-8. Major Sources of Contaminants in Drinking Water.

Microbiological Contaminants

(1) Total Coliform Bacteria - Naturally present in the environment.

(2) Fecal coliform and E. coli - Human and animal fecal waste.

(3) Fecal Indicators (enterococci or coliphage) - Human and animal fecal waste.

[~~(3)~~](4) Turbidity- Soil runoff.

[~~(4)~~](5) Total organic carbon - Naturally present in the environment.

Radioactive Contaminants

[~~(5)~~](6) Alpha emitters (pCi/l) - Erosion of natural deposits.

[~~(6)~~](7) Beta/photon emitters (mrem/yr) - Decay of natural and man-made deposits.

[~~(7)~~](8) Combined radium (pCi/l) - Erosion of natural deposits.

[~~(8)~~](9) Uranium (ug/l) - Erosion of natural deposits.

Inorganic Contaminants

[~~(9)~~](10) Antimony (ppb) - Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.

[~~(10)~~](11) Arsenic (ppb) - Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.

[~~(11)~~](12) Asbestos (MFL) - Decay of asbestos cement water mains; Erosion of natural deposits.

[~~(12)~~](13) Barium (ppm) - Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.

[~~(13)~~](14) Beryllium (ppb) - Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.

[~~(14)~~](15) Cadmium (ppb) - Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints.

[~~(15)~~](16) Chromium (ppb) - Discharge from steel and pulp mills; Erosion of natural deposits.

[~~(16)~~](17) Copper (ppm) - Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives.

[~~(17)~~](18) Cyanide (ppb) - Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.

[~~(18)~~](19) Fluoride (ppm) - Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.

[~~(19)~~](20) Lead (ppb) - Corrosion of household plumbing systems; Erosion of natural deposits.

[~~(20)~~](21) Mercury (inorganic) (ppb) - Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.

[~~(21)~~](22) Nitrate (as Nitrogen) (ppm) - Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.

[~~(22)~~](23) Nitrite (as Nitrogen) (ppm) - Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.

[~~(23)~~](24) Selenium (ppb) - Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.

[~~(24)~~](25) Thallium (ppb) - Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories. Synthetic Organic Contaminants including Pesticides and Herbicides

[~~(25)~~](26) 2,4-D (ppb) - Runoff from herbicide used on row crops.

[~~(26)~~](27) 2,4,5-TP (Silvex)(ppb) - Residue of banned herbicide.

[~~(27)~~](28) Acrylamide - Added to water during sewage/wastewater treatment.

[~~(28)~~](29) Alachlor (ppb) - Runoff from herbicide used on row crops.

[~~(29)~~](30) Atrazine (ppb) - Runoff from herbicide used on row crops.

[~~(30)~~](31) Benzo(a)pyrene (PAH) (nanograms/l) -Leaching from linings of water storage tanks and distribution lines.

[~~(31)~~](32) Carbofuran (ppb) - Leaching of soil fumigant used on rice and alfalfa.

[~~(32)~~](33) Chlordane (ppb) - Residue of banned termiticide.

[~~(33)~~](34) Dalapon (ppb) - Runoff from herbicide used on rights of way.

[~~(34)~~](35) Di(2-ethylhexyl) adipate (ppb) - Discharge from chemical factories.

[~~(35)~~](36) Di(2-ethylhexyl) phthalate (ppb) - Discharge from rubber and chemical factories.

[~~(36)~~](37) Dibromochloropropane (ppt) - Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.

[~~(37)~~](38) Dinoseb (ppb) - Runoff from herbicide used on soybeans and vegetables.

[~~(38)~~](39) Diquat (ppb) - Runoff from herbicide use.

[~~(39)~~](40) Dioxin (2,3,7,8-TCDD) (ppq) - Emissions from waste incineration and other combustion; Discharge from chemical factories.

[~~(40)~~](41) Endothall (ppb) - Runoff from herbicide use.

[~~(41)~~](42) Endrin (ppb) - Residue of banned insecticide.

[~~(42)~~](43) Epichlorohydrin - Discharge from industrial chemical factories; An impurity of some water treatment chemicals.

[~~(43)~~](44) Ethylene dibromide (ppt) - Discharge from petroleum refineries.

[~~(44)~~](45) Glyphosate (ppb) - Runoff from herbicide use.

[~~(45)~~](46) Heptachlor (ppt) - Residue of banned pesticide.

[~~(46)~~](47) Heptachlor epoxide (ppt) - Breakdown of heptachlor.

[~~(47)~~](48) Hexachlorobenzene (ppb) - Discharge from metal refineries and agricultural chemical factories.

[~~(48)~~](49) Hexachlorocyclopentadiene (ppb) - Discharge from chemical factories.

[~~(49)~~](50) Lindane (ppt) - Runoff/leaching from insecticide used on cattle, lumber, gardens.

[~~(50)~~](51) Methoxychlor (ppb) - Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.

[~~(51)~~](52) Oxamyl (Vydate)(ppb) - Runoff/leaching from insecticide used on apples, potatoes and tomatoes.

[~~(52)~~](53) PCBs (Polychlorinated biphenyls) (ppt) - Runoff from landfills; Discharge of waste chemicals.

[~~(53)~~](54) Pentachlorophenol (ppb) - Discharge from wood preserving factories.

[~~(54)~~](55) Picloram (ppb) - Herbicide runoff.

[~~(55)~~](56) Simazine (ppb) - Herbicide runoff.

[~~(56)~~](57) Toxaphene (ppb) - Runoff/leaching from insecticide used on cotton and cattle. Volatile Organic Contaminants

[~~(57)~~](58) Benzene (ppb) - Discharge from factories; Leaching from gas storage tanks and landfills.

[~~(58)~~](59) Bromate (ppb) - By-product of drinking water chlorination.

[~~(59)~~](60) Carbon tetrachloride (ppb) - Discharge from chemical plants and other industrial activities.

[~~(60)~~](61) Chloramines (ppm) - Water additive used to control microbes.

[~~(61)~~](62) Chlorine (ppm) - Water additive used to control microbes.

[~~(62)~~](63) Chlorite (ppm) - By-product of drinking water chlorination.

[~~(63)~~](64) Chlorine dioxide (ppb) - Water additive used to control microbes.

[~~(64)~~](65) Chlorobenzene (ppb) - Discharge from chemical and agricultural chemical factories.

[~~(65)~~](66) o-Dichlorobenzene (ppb) - Discharge from industrial chemical factories.

[~~(66)~~](67) p-Dichlorobenzene (ppb) - Discharge from industrial chemical factories.

[~~(67)~~](68) 1,2-Dichloroethane (ppb) - Discharge from industrial chemical factories.

[~~(68)~~](69) 1,1-Dichloroethylene (ppb) - Discharge from industrial chemical factories.

[~~(69)~~](70) cis-1,2-Dichloroethylene (ppb) - Discharge from industrial chemical factories.

[~~(70)~~](71) trans-1,2-Dichloroethylene (ppb) - Discharge from industrial chemical factories.

[~~(71)~~](72) Dichloromethane (ppb) - Discharge from pharmaceutical and chemical factories.

[~~(72)~~](73) 1,2-Dichloropropane (ppb) - Discharge from industrial chemical factories.

[~~(73)~~](74) Ethylbenzene (ppb) - Discharge from petroleum refineries.

[~~(74)~~](75) Haloacetic Acids (HAA) (ppb) - By-product of drinking water disinfection.

[~~(75)~~](76) Styrene (ppb)- Discharge from rubber and plastic factories; Leaching from landfills.

[~~(76)~~](77) Tetrachloroethylene (ppb) - Discharge from factories and dry cleaners.

[~~(77)~~](78) 1,2,4-Trichlorobenzene (ppb) - Discharge from textile-finishing factories.

[~~(78)~~](79) 1,1,1-Trichloroethane (ppb) - Discharge from metal degreasing sites and other factories.

[~~(79)~~](80) 1,1,2-Trichloroethane (ppb) - Discharge from industrial chemical factories.

[~~(80)~~](81) Trichloroethylene (ppb) - Discharge from metal degreasing sites and other factories.

[~~(81)~~](82) TTHMs (Total trihalomethanes)(ppb) - By-product of drinking water chlorination.

[~~(82)~~](83) Toluene (ppm) - Discharge from petroleum factories.

[~~(83)~~](84) Vinyl Chloride (ppb) - Leaching from PVC piping; Discharge from plastics factories.

[~~(84)~~](85) Xylenes (ppm) - Discharge from petroleum factories; Discharge from chemical factories.

KEY: drinking water, consumer confidence report, water quality
Date of Enactment or Last Substantive Amendment: [~~March 6, 2007~~]2009
Notice of Continuation: May 16, 2005
Authorizing, and Implemented or Interpreted Law: 19-4-104; [~~63-46b-4~~]63G-4-202

♦ ♦

Insurance, Administration
R590-101
Appointment and Termination of Individuals licensed as Agents, and Organizations Licensed as Agents by Insurers

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 32799
FILED: 07/07/2009, 13:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule sets procedures for the appointment and termination of individual, and agency licensees by insurers. The department wanted the basic licensing requirements in one rule. As a result, this rule is being repealed and replaced with Rule R590-244, Individual and Agency Licensing Requirements.

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed in its entirety and replaced with Rule R590-244. (DAR NOTE: The proposed new Rule R590-244 was published in the May 15, 2009, Bulletin under DAR No. 32541 and was effective 07/01/2009.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23-219

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The only impact to the state's budget, as a result of the repeal of this rule and enactment of Rule R590-244, is the loss of the nonelectronic processing fee of $5. Very few licensees filed by paper so the impact will be slight.

❖ LOCAL GOVERNMENTS: The repeal of this rule will have no fiscal impact on local governments since this rule applies to the relationship between the department and its licensees and will not have any fiscal impact on local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The only fiscal impact on small insurers will be to those few who filed by paper. They will need to pay the vendor for the electronic processing fee, which is less than the state's paper processing fee. Also, they will no longer have costs associated with mailing paper forms.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only fiscal impact on large insurers will be to those few that filed by paper. They will need to pay the vendor for the electronic processing fee, which is less than the state's paper processing fee. Also, they will no longer have costs associated with mailing paper forms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will have little, if any, fiscal impact on Utah insurers since most already file electronically. D. Kent Michie, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 09/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2009

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
[~~R590-101. Appointment and Termination of Individuals Licensed as Agents, and Organizations Licensed as Agents by Insurers.~~]
~~R590-101-1. Authority.~~

~~This rule is promulgated by the Insurance Commissioner under Subsection 31A-2-201(3), Utah Code (U.C.), to adopt rules to implement the provisions of the Utah Insurance Code, and specifically Subsection 31A-23-219(1), U.C.~~

~~R590-101-2. Purpose.~~

~~This rule is adopted for the purpose of stating the form to be used and the procedure to be followed by an insurer to appoint or terminate licensed individual agents and licensed organizations to conduct business on behalf of that insurer in this state.~~

~~**R590-101-3. Definitions.**~~

~~For the purpose of this rule the commissioner use the definitions as particularly stated in Sections 31A-1-301 and 31A-23-102.~~

~~**R590-101-4. Rule.**~~

~~A. Notice of Appointment. All insurers shall file with the commissioner a Certificate of Appointment for any individual agent and organization authorized to conduct business on behalf of the insurer in this state. It is not necessary to appoint individual agents who are listed as designees on an organization's license.~~

~~1. Appointment Procedure:~~

~~a. Complete a Certificate of Appointment form indicating either an individual or organization acting as an agent. Unless the form is completed in connection with a new application for licensure, the individual or organization must be properly licensed.~~

~~b. Identify on the form the date the appointment is to be effective. If an effective date is not specified, the effective date of appointment will be the date the form is received by the Insurance Department.~~

~~c. Immediately furnish the agent's copy of the Certificate of Appointment to the agent. The agent's copy does not need to be validated by the Insurance Department.~~

~~d. File the two remaining copies of the appointment form with the Insurance Department no later than ten days after the identified effective date of appointment.~~

~~2. The Insurance Department will register the appointment and return one copy of the form to the insurer as evidence of filing. The insurer shall keep this form throughout the term of appointment and at least an additional three years.~~

~~B. Notice of Termination. All insurers shall file with the commissioner a Notice of Termination of Appointment for any individual agent or organization previously authorized to conduct business on behalf of the insurer in this state.~~

~~1. Termination procedure:~~

~~a. Complete a Notice of Termination of Appointment form. Include the originally assigned six-digit Certificate of Appointment number.~~

~~b. Furnish a copy of the form to the agent.~~

~~c. Retain one copy for company records for at least three years.~~

~~d. File the remaining copy with the Insurance Department. If a date of termination is entered on the form, the form must be filed with the department no later than ten days after that date. If the form is received by the department in excess of ten days after the listed termination date, the effective date of termination will be the date the form is received. If the date of termination is not completed the effective date of termination will be the date the form is received by the department.~~

~~C. The forms used for appointment and termination are available through the Insurance Department.~~

~~D. Renewal of Appointments. During each odd-numbered year each insurer will be mailed a duplicate list of all current agent appointments. On or before July 1 of that year all insurers shall return to the commissioner one copy of that list showing all individual and organization appointments to be continued in force.~~

~~E. Fees. For all Certificates of Appointment or Notices of Termination of Appointment submitted to the commissioner the insurer shall pay the statutory filing fee.~~

~~**R590-101-5. Penalties.**~~

~~Any insurer that fails to comply with the provisions of Section 31A-23-219, U.C., or with this rule will be subject to the forfeiture provisions set forth in Section 31A-2-308, U.C.A.~~

~~**R590-101-6. Separability.**~~

~~If any provision of this rule or the application of it to any person is for any reason held to be invalid, the remainder of the rule and the application of any provision to other persons or circumstances shall not be affected.~~

~~**KEY: insurance companies**~~
~~**Date of Enactment or Last Substantive Amendment: 1993**~~
~~**Notice of Continuation: April 16, 2007**~~
~~**Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23-219]**~~

♦ ♦

Insurance, Administration
R590-123
Additions and Deletions of Designees by Organizations

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 32800
FILED: 07/07/2009, 13:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule sets procedures for the addition and deletion of designees or individual licensees by organizations. The department wanted the basic licensing requirements in one rule. As a result, this rule is being repealed and replaced with Rule R590-244, Individual and Agency Licensing Requirements.

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed in its entirety and replaced with Rule R590-244. (DAR NOTE: The proposed new Rule R590-244 was published in the May 15, 2009, Bulletin under DAR No. 32541 and was effective 07/01/2009.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23-215

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The only impact to the state's budget, as a result of the repeal of this rule and enactment of Rule R590-244, is the loss of the nonelectronic processing fee of $5. Very few licensees filed by paper so the impact will be slight.

❖ LOCAL GOVERNMENTS: The repeal of this rule will have no fiscal impact on local governments since this rule applies to the relationship between the department and its licensees and will not have any fiscal impact on local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The only fiscal impact on small agencies will be to those few who filed by paper. They will need to pay the vendor for the electronic processing fee, which is less than the state's paper processing fee. Also, they will no longer have costs associated with mailing paper forms.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only fiscal impact on large agencies will be to those few agencies who filed by paper. They will need to pay the vendor for the electronic processing fee, which is less than the state's paper processing fee. Also, they will no longer have costs associated with mailing paper forms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will have little, if any, fiscal impact on Utah agencies since most already file electronically. D. Kent Michie, Commissioner

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 09/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2009

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

[~~R590-123. Additions and Deletions of Designees by Organizations.~~

~~R590-123-1. Authority.~~

~~This rule is promulgated by the insurance commissioner under Section 31A-2-201(3) to adopt rules to implement the provisions of the Utah Insurance Code, and specifically Sections 31A-23a-302(2) authorizing the commissioner to establish by rule the form to be utilized by an organization when promptly reporting every change in the list of natural persons authorized to conduct business on behalf of the organization in this state.~~

~~R590-123-2. Purpose.~~

~~A. Organizations who conduct insurance transactions through natural persons in this state shall be licensed. The organization license shall identify the names of natural persons, also known as designees, authorized to act for the organization. Organizations are required to promptly report to the commissioner, in detail and form prescribed by rule, every change in their list of natural persons.~~

~~B. This rule is adopted for the purpose of stating the detail, form, and time by which an organization will either add or delete any natural person from their list of authorized designees who conduct business on behalf of the organization in this state.~~

~~R590-123-3. Rule.~~

~~A. Notice of addition or deletion of designees. All organizations shall file with the commissioner an Application For Amendment to Organization License which includes a section for changing the list of natural persons authorized to conduct business on behalf of the organization in this state. The forms necessary to effectuate such changes are available through the Insurance Department.~~

~~1. Procedure for amending an organization license:~~

~~a. Complete the application for amendment to organization license and include the information concerning designees to be added or deleted.~~

~~b. The date entered on the form will be the effective date of the change.~~

~~c. File the completed form with the department within five working days from the effective date. If the form is not filed within the five day period, the effective date of the amendment will be the date the form is received by the insurance department.~~

~~B. Fees. The organization shall pay the statutory filing fees for all Organization License applications and amendments submitted to the department.~~

~~R590-123-4. Penalties.~~

~~Any organization that fails to comply with this rule will be subject to the forfeiture provisions set forth in Sections 31A-2-308 and 31A-23-216.~~

~~R590-123-5. Separability.~~

~~If any provision of this rule or the application of it to any person is for any reason held to be invalid, the remainder of the rule and the application of any provision to other persons or circumstances will not be affected.~~

~~KEY: insurance law~~
~~Date of Enactment or Last Substantive Amendment: 1993~~
~~Notice of Continuation: January 27, 2009~~
~~Authorizing, and Implemented or Interpreted Law: 31A-23a-302~~]

Insurance, Administration
R590-141
Individual and Agency License Lapse and Reinstatement Rule

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 32801
FILED: 07/07/2009, 13:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule sets procedures for the lapse and reinstatement of an individual and agency license. The department wanted the basic licensing requirements in one rule. As a result, this rule is being repealed and replaced with Rule R590-244, Individual and Agency Licensing Requirements.

SUMMARY OF THE RULE OR CHANGE: This rule is being repealed in its entirety and replaced with Rule R590-244. (DAR NOTE: The proposed new Rule R590-244 was published in the May 15, 2009, Bulletin under DAR No. 32541 and was effective 07/01/2009.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-23-216 and 31A-26-213

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The only impact to the state's budget, as a result of the repeal of this rule and enactment of Rule R590-244, is the loss of the nonelectronic processing fee of $25. Very few licensees filed by paper so the impact will be slight.

❖ LOCAL GOVERNMENTS: The repeal of this rule will have no fiscal impact on local governments since this rule applies to the relationship between the department and its licensees and will not have any fiscal impact on local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The only fiscal impact on small agencies and insurers will be to those few who filed by paper. They will need to pay the vendor for the electronic processing fee, which is less than the state's paper processing fee. Also, they will no longer have costs associated with mailing paper forms.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only fiscal impact on large agencies and insurers will be to those few that filed by paper. They will need to pay the vendor for the electronic processing fee, which is less than the state's paper processing fee. Also, they will no longer have costs associated with mailing paper forms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will have little, if any, fiscal impact on Utah agencies and insurers since most already file electronically. D. Kent Michie, Commissioner

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 09/14/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/21/2009

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

~~[R590-141. Individual and Agency License Lapse and Reinstatement Rule.~~

~~R590-141-1. Authority.~~

~~This rule is promulgated pursuant to Subsections 31A-23-216(3) and 31A-26-213(3), that authorize the commissioner to write a rule prescribing license renewal and reinstatement procedures for licensees under Chapters 23 and 26.~~

~~R590-141-2. Scope.~~

~~This rule applies to all individuals and agencies previously licensed under this chapter who did not renew their license on or prior to the license expiration date.~~

~~R590-141-3. Rule.~~

~~A. The individual and agency license renewal process shall be as follows:~~

~~(1) Renewal notices shall be mailed to the licensee's business address as shown on the records of the Insurance Department. Licensees who fail to notify the department when their business address changes may face administrative penalties.~~

~~(2) Licenses shall lapse if they are not renewed on or prior to the license expiration date.~~

~~(3) Individuals and agencies with lapsed licenses may not engage in the business of insurance during any period between the date of expiration of the license and the date of reinstatement of that license.~~

~~(4) Lapsed licenses can be reinstated subject to the provisions outlined below.~~

~~B. Reinstatement of Lapsed Individual Licenses.~~

~~(1) For reinstatement within the first month following the license expiration date:~~

~~(a) the individual shall complete all continuing education requirements;~~

~~(b) the individual shall pay all current and past due fees - renewal, continuing education, etc;~~

~~(c) the individual shall pay a penalty fee equal to the renewal fee; and~~

~~(d) no agency designations or appointments shall be canceled nor will agencies and insurers be notified of the non-renewal during this one month period.~~

~~(2) For reinstatement during the time between one and six months following the license expiration date, the individual shall:~~

~~(a) complete all continuing education requirements;~~

~~(b) pay all current and past due fees - renewal, continuing education, etc;~~

~~(c) pay a penalty fee equal to the renewal fee; and~~

~~(d) complete new producer contracts, new agency designations and new insurer appointments before the reinstated licensee can resume doing business. Agencies and insurers will have been notified that the licensee's license had lapsed.~~

~~(3) For reinstatement during the time between seven months and 12 months following the license expiration date, the individual shall:~~

~~(a) complete all continuing education requirements;~~

~~(b) pay all current and past due fees - renewal, continuing education, etc;~~

~~(c) pay a penalty fee equal to the renewal fee plus $50; and~~

~~(d) complete new producer contracts, new agency designations and new insurer appointments before the reinstated licensee can resume doing business. Agencies and insurers will have been notified that the licensee's license lapsed.~~

~~(4) For reinstatement during the time between 13 months and 24 months following the license expiration date, the individual shall:~~
~~(a) complete all continuing education requirements;~~
~~(b) pay all current and past due fees - renewal, continuing education, etc;~~
~~(c) take and successfully pass the proper agent licensing examination;~~
~~(d) pay a penalty fee equal to the renewal fee. If the applicant is exempt from licensing examination, the applicant shall pay a penalty fee equal to the renewal fee plus $75; and~~
~~(e) complete new producer contracts, new agency designations and new insurer appointments before the reinstated licensee can resume doing business. Agencies and insurers will have been notified that the licensee's license lapsed.~~
~~(5) A license that has not been reinstated within 24 months following its expiration date cannot be reinstated. An application for a new license must be made and the applicant must comply with all the requirements applicable to a new license.~~
~~C. Reinstatement of Lapsed Agency Licenses.~~
~~(1) For reinstatement within the first month following the license expiration date:~~
~~(a) the agency shall pay all current and past due fees - renewal, etc;~~
~~(b) the agency shall pay a penalty fee equal to the renewal fee; and~~
~~(c) No agency designations or insurer appointments shall be canceled nor will agency designees and insurers be notified of the non-renewal during this one month period.~~
~~(2) For reinstatement during the time between one and 24 months following the license expiration date, the agency shall:~~
~~(a) pay all current and past due fees - renewal, etc; - and~~
~~(b) pay a penalty fee equal to the renewal fee plus $50.~~
~~(c) complete new contracts and appointments with insurers and new designations for agents representing the agency before the reinstated licensee can resume doing business. Designees and insurers will have been notified that the licensee's license lapsed.~~
~~(3) A license that has not been reinstated within 24 months following its expiration date cannot be reinstated. An application for a new license must be made and the applicant must comply with all the requirements applicable to a new license.~~
~~(4) In the event an agency fails to renew or reinstate its license within the prescribed time, the name of the agency shall not be available for use for a period of three years from the date the license lapsed.~~

~~**R590-141-4. Severability.**~~
~~If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.~~

~~**KEY: insurance**~~
~~**Date of Enactment or Last Substantive Amendment: May 1, 1998**~~
~~**Notice of Continuation: November 6, 2007**~~
~~**Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23-216; 31A-26-213]**~~

♦ ♦

Insurance, Administration
R590-146
Medicare Supplement Insurance Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32829
FILED: 07/15/2009, 18:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These changes are being implemented due to new federal laws, Medicare Improvements for Patients and Providers Act of 2008 (MIPAA), and Genetic Information Nondiscrimination Act of 2008 (GINA). If states do not adopt these revisions by 09/24/2009, the federal government will assume regulation of Utah's Medicare supplement products.

SUMMARY OF THE RULE OR CHANGE: The substantive changes to this rule are as follows: 1) new definitions to distinguish between pre-standardized plans, 1990 standardized plans, and 2010 standardized plans; 2) titles and terms have been updated to reflect the new offering of 2010 standardized plans; 3) new Sections R590-146-8a and R590-146-9a were added to define requirements for plans issued for delivery on or after 06/01/2010 (MIPAA). These sections include the details for the new plan offerings; 4) new documents incorporated by reference have been updated due to the National Association of Insurance Commissioners (NAIC) updating the model regulation, #651, to version dated October 2008; 5) Section R590-146-24 was added to conform with the requirements of GINA; and 6) minor changes were made through out the rule to update site references and to conform with the model regulation published by the NAIC.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-620

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The state's budget should not be affected by this change. Companies pay a flat fee for filings they make during the year so filings required by changes in this rule will not affect the revenues of the department. Nor will the additional filing require the department hire new employees full or part time.
❖ LOCAL GOVERNMENTS: Local governments should not be affected by this rule change because they don't offer a regulated Medicare supplement product.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Large and small insurers will have additional costs to file new products if they wish to continue offering Medicare supplement plans. These are costs that insurers will incur nationwide as all states adopt the new requirements. The 40 insurers who sell these types of policies in Utah will be required to pay $15 per filing. The number of filings will depend on the different types of Medicare plans they sell. Insurers are required to pay a nominal amount to submit their

rate and form filings electronically via the System for Electronic Rate and Form Filings. Consumers will have access to additional benefit offerings, premiums should not increase due to this rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Large and small insurers will have additional costs to file new products if they wish to continue offering Medicare supplement plans. These are costs that insurers will incur nationwide as all states adopt the new requirements. The 40 insurers who sell these types of policies in Utah will be required to pay $15 per filing. The number of filings will depend on the different types of Medicare plans they sell. Insurers are required to pay a nominal amount to submit their rate and form filings electronically via the System for Electronic Rate and Form Filings. Consumers will have access to additional benefit offerings, premiums should not increase due to this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost to insurers in Utah that sell Medicare supplement plans will be minimal. D. Kent Michie, Commissioner

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 8/25/2009 at 10:00 AM, State Office Building (behind the Capitol), 450 N State Street, Room 3112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-146. Medicare Supplement Insurance Standards.
R590-146-1. Authority.

This rule is issued pursuant to the authority vested in the commissioner under Section[~~Subsection~~] 31A-22-620[~~(3)(c), (d) and (e)~~] requiring the commissioner to adopt rules to establish minimum standards for individual and group Medicare supplement insurance.

R590-146-4. Definitions.

For purposes of this rule:

A. "Applicant" means:

(1) in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and

(2) in the case of a group Medicare supplement policy, the proposed certificateholder.

B. "Bankruptcy" means when a Medicare Advantage organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

C. "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

D. "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

E. "Continuous period of creditable coverage" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than 63 days.

F. "Creditable coverage" has the same meaning as provided in Section 31A-1-301.

G. "Employee welfare benefit plan" means a plan, fund or program of employee benefits as defined in 29 U.S.C. Section 1002, Employee Retirement Income Security Act.

H. "Insolvency" means when an issuer, licensed to transact the business of insurance in this state, has had a final order of liquidation entered against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.

I. "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this state Medicare supplement policies or certificates.

J. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

K. "Medicare Advantage plan" means a plan of coverage for health benefits under Medicare Part C as defined in 42 U.S.C. 1395w-28(b)(1), and includes:

(1) coordinated care plans which provide health care services, including but not limited to health maintenance organization plans, with or without a point-of-service option, plans offered by provider-sponsored organizations, and preferred provider organization plans;

(2) medical savings account plans coupled with a contribution into a Medicare Advantage plan medical savings account; and

(3) Medicare Advantage private fee-for-service plans.

L.(1) "Medicare supplement policy" means a group or individual policy of accident and health[~~disability~~] insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act, 42 U.S.C. Section 1395 et seq., or an issued policy under a demonstration project specified in 42 U.S.C. Section 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.[~~-~~]

(2) "Medicare supplement policy" does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug plans established under Medicare Part D, or any Health Care Prepayment Plan, HCPP, that provides benefits pursuant to an agreement under Section 1833(a)(1)(A) of the Social Security Act.

M. "Pre-Standardized Medicare supplement benefit plan," "Pre-Standardized benefit plan" or "Pre-Standardized plan" means a group or individual policy of Medicare supplement insurance issued prior to December 12, 1994.

N. "1990 Standardized Medicare supplement benefit plan," "1990 Standardized benefit plan" or "1990 plan" means a group or individual policy of Medicare supplement insurance issued on or after July 30, 1992 and with an effective date of coverage prior to June 1, 2010 and includes Medicare supplement insurance policies and certificates renewed on or after that date which are not replaced by the issuer at the request of the insured.

O. "2010 Standardized Medicare supplement benefit plan," "2010 Standardized benefit plan" or "2010 plan" means a group or individual policy of Medicare supplement insurance issued with an effective date of coverage on or after June 1, 2010.

P. "Policy form" means the form on which the policy is delivered or issued for delivery by the issuer.

Q.[~~N.~~] "Secretary" means the Secretary of the United States Department of Health and Human Services.

R590-146-5. Policy Definitions and Terms.

No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless the policy or certificate contains definitions or terms, which conform to the requirements of this section.

A. "Accident," "accidental injury," or "accidental means" shall be defined to employ [~~"~~]result[~~"~~] language and shall not include words, that[~~which~~]establish an accidental means test or use words such as [~~"~~]external, violent, visible wounds,[~~"~~] or similar words of description or characterization.

(1) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(2) The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

B. "Benefit period" or "Medicare benefit period" shall not be defined more restrictively than as defined in the Medicare program.

C. "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall not be defined more restrictively than as defined in the Medicare program.

D. "Health care expenses" means, for purposes of Section 14, expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers.

E. "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare program.

F. "Medicare" shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

G. "Medicare eligible expenses" shall mean expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

H. "Physician" shall not be defined more restrictively than as defined in the Medicare program.

I. "Sickness" shall not be defined to be more restrictive than the following:

"Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force."

The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

R590-146-6. Policy Provisions.

A. Except for permitted preexisting condition clauses as described in Subsections 7.A.(1), 8.A.(1), and 8a.A.(1)[~~7A(1) and 8A(1)~~] of this rule, no policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

B. No Medicare supplement policy or certificate may use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

C. No Medicare supplement policy or certificate in force in the state shall contain benefits, that[~~which~~]duplicate benefits provided by Medicare.

D. (1) Subject to Subsections 7.A.(4), (5) and (7) and 8.A.(4) and (5) of this rule[~~7 (A)(4), (5) and (7) and 8(A)(4) and (5)~~], a Medicare supplement policy with benefits for outpatient prescription drugs in existence prior to January 1, 2006 shall be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

(2) A Medicare supplement policy with benefits for outpatient prescription drugs shall not be issued after December 31, 2005.[~~–~~]

(3) After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs may not be renewed after the policyholder enrolls in Medicare Part D unless:

(a) The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual's coverage under a Part D plan, and;

(b) Premiums are adjusted to reflect the elimination of outpatient prescription coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

R590-146-7. Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to July 30, 1992.

No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition.

The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, copayment, or coinsurance amounts[~~amount and copayment percentage factors~~]. Premiums may be modified to correspond with such changes.

(4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

(a) provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

(b) be canceled or nonrenewed by the issuer solely on the grounds of deterioration of health.

(5)(a) Except as authorized by the commissioner of this state, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

(b) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in this Subsection (5)(d), the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

(i) an individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

(ii) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Subsection [~~8B~~]8.B. of this rule.

(c) If membership in a group is terminated, the issuer shall:

(i) offer the certificateholder the conversion opportunities described in Subsection (b); or

(ii) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(d) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(7) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

B. Minimum Benefit Standards. Every issuer shall include the following benefits:

(1) coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(5) coverage under Medicare Part A for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations or already paid for under Part B;

(6) coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible, $100; and

(7) effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

R590-146-8. Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery[~~or Delivered~~] on or After July 30, 1992 and with an Effective Date for Coverage Prior to June 1, 2010.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after July 30, 1992 and with an effective date for coverage prior to June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may[~~shall~~] not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost [~~-~~]sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible[~~-amount and copayment percentage factors~~], co-payment, or coinsurance amounts. Premiums may be modified to correspond with such changes.

(4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(5) Each Medicare supplement policy shall be guaranteed renewable.

(a) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

(b) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

(c) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Subsection [~~8A~~](5)(e), the issuer shall offer certificateholders an individual Medicare supplement policy which, at the option of the certificateholder:

(i) provides for continuation of the benefits contained in the group policy; or

(ii) provides for benefits that otherwise meet the requirements of this subsection.

(d) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(i) offer the certificateholder the conversion opportunity described in Subsection [~~8A~~](5)(c); or

(ii) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(e) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(f) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(7)(a) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period, not to exceed 24 months, in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90 days after the date the individual becomes entitled to assistance.

(b) If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstituted, effective as of the date of termination of entitlement, if the policyholder or certificateholder provides notice of loss of entitlement within 90 days after the date of loss and pays the premium attributable to the period.

(c) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended, for the period provided by federal regulation, at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan, as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act. If suspension occurs and if the policyholder or certificate[-]holder loses coverage under the group health plan, the policy shall be automatically reinstituted, effective as of the date of loss[~~lass~~] of coverage, if the policyholder provides notice of loss of coverage within 90 days after the date of [~~such~~]the loss[~~ and pays the premium attributable to the period, effective as of the date of termination of entitlement~~].

(d) Reinstitution of coverages as described in Subsections (b) and (c):

(i) shall not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of suspension. If the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, reinstitution of the policy for Medicare Part D enrollees shall be without coverage for outpatient prescription drugs and shall otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension; and

(iii) shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

(8) If an issuer makes a written offer to the Medicare supplement policyholders or certificateholders of one or more of its plans, to exchange during a specified period from his or her 1990 plan, as described in Section 9 of this rule, to a 2010 plan , as described in Section 9a of this rule, the offer and subsequent exchange shall comply with the following requirements:

(a) An issuer need not provide justification to the commissioner if the insured replaces a 1990 Plan policy or certificate with an issue age rated 2010 Plan policy or certificate at the insured's original issue age and duration. If an insured's policy or certificate to be replaced is priced on an issue age rate schedule at the time of such offer, the rate charged to the insured for the new exchanged policy shall recognize the policy reserve buildup, due to the pre-funding inherent in the use of an issue age rate basis, for the benefit of the insured. The method proposed to be used by an issuer shall be filed with the commissioner.

(b) The rating class of the new policy or certificate shall be the class closest to the insured's class of the replaced coverage.

(c) An issuer may not apply new pre-existing condition limitations or a new incontestability period to the new policy for those benefits contained in the exchanged 1990 plan policy for certificate of the insured, but may apply pre-existing condition limitations of no more than six months to any added benefits contained in the new 2010 plan policy or certificate not contained in the exchanged policy.

(d) The new policy or certificate shall be offered to all policyholders or certificateholders within a given plan, except where the offer or issue would be in violation of state or federal law.

B. Standards for Basic, Core, Benefits Common to All Benefit Plans A through J.

Every issuer shall make available a policy or certificate including only the following basic ["]core["] package of benefits to each prospective insured. An issuer may make available to prospective

insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period.

(2) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used.

(3) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system, PPS, rate or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance.

(4) Coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations.

(5) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

C. Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans [~~"~~]B[~~"~~] through [~~"~~]J[~~"~~] only as provided by Section 9 of this rule.

(1) Medicare Part A Deductible: Coverage for all the[~~-entire~~] Medicare Part A inpatient hospital deductible amount per benefit period.

(2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post hospital skilled nursing facility care eligible under Medicare Part A.

(3) Medicare Part B Deductible: Coverage for all the[~~-entire~~] Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(4) 80% of the Medicare Part B Excess Charges: Coverage for 80% of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(5) 100% of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(6) Basic Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a $250 calendar year deductible, to a maximum of $1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(7) Extended Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a $250 calendar year deductible to a maximum of $3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(8) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of $250, and a lifetime maximum benefit of $50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

(9) Preventive Medical Care Benefit.

(a) Coverage for the following preventive health services not covered by Medicare:

(i) an annual clinical preventive medical history and physical examination that may include tests and services from Subsection (b) and patient education to address preventive health care measures; and

(ii) preventive screening tests or preventive services, the selection and frequency of which is determined to be medically appropriate by the attending physician.

(b) Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology, AMA CPT, codes, to a maximum of $120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

(a) For purposes of this benefit, the following definitions shall apply:

(i) "Activities of daily living" include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

(ii) "Care provider" means a duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

(iii) "Home" shall mean any place used by the insured as a place of residence, provided that the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

(iv) "At-home recovery visit" means the period of a visit required to provide at-home recovery care, without limit on the duration of the visit, except each consecutive four hours in a 24-hour period of services provided by a care provider is one visit.

(b) Coverage Requirements and Limitations

(i) At-home recovery services provided shall be primarily services, which assist in activities of daily living.

(ii) The insured's attending physician shall certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(iii) Coverage is limited to:

(I) no more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(II) the actual charges for each visit up to a maximum reimbursement of $40 per visit;

(III) $1,600 per calendar year;

(IV) seven visits in any one week;

(V) care furnished on a visiting basis in the insured's home;

(VI) services provided by a care provider as defined in this section;

(VII) at-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded; and

(VIII) at-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight weeks after the service date of the last Medicare approved home health care visit.

(c) Coverage is excluded for:

(i) home care visits paid for by Medicare or other government programs; and

(ii) care provided by family members, unpaid volunteers or providers who are not care providers.

D. Standards for Plans K and L.

(1) Standardized Medicare supplement benefit plan [~~"~~]K[~~"~~] shall consist of the following:

(a) coverage of 100 % of the part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

(b) coverage of 100% of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

(c) upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system, PPS, rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Medicare[~~medicare~~] Part A Deductible: Coverage for 50% of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Subsection (j);

(e) skilled Nursing Facility Care: Coverage for 50% of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subsection (j);

(f) hospice Care: Coverage for 50% of the cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subsection (j);

(g) coverage for 50%, under Medicare Part A or B, of the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subsection (j);

(h) except for coverage provided in Subsection (i) below, coverage for 50% of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in Subsection (j) below;

(i) coverage of 100% of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

(j) coverage of 100% of all cost sharing under Medicare Part A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Part A and B of $4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(2) Standardized Medicare supplement benefit plan "L" shall consist of the following:

(a) The benefits described in Subsections [~~146-8(D)~~]D.(1)(a), (b), (c) and (i);

(b) The benefits described in Subsections [~~146-8 (D)~~]D.(1) (d), (e), (f), (g) and (h), but substituting 75% for 50%; and

(c) The benefit described in Subsection [~~146-8 (D)~~]D.(1)(j), but substituting $2000 for $4000.

R590-146-8a. Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state with an effective date of coverage on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards. No issuer may offer any 1990 plan for sale on or after June 1, 2010. Benefit standards applicable to Medicare supplement policies and certificates issued with an effective date for coverage prior to before June 1, 2010 remain subject to the requirements of Section 9 of this rule.

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than 6 months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from a sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, copayment, or coinsurance amounts. Premiums may be modified to correspond with such changes.

(4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(5) Each Medicare supplement policy shall be guaranteed renewable.

(a) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

(b) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

(c) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Subsection A.(5)(e), the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):

(i) provides for continuation of the benefits contained in the group policy; or

(ii) provides for benefits that otherwise meet the requirements of this subsection.

(d) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(i) offer the certificateholder the conversion opportunity described in Subsection (A)(5)(c); or

(ii) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(e) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(7)(a) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period, not to exceed 24-months, in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90-days after the date the individual becomes entitled to assistance.

(b) If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstituted, effective as of the date of termination of entitlement, as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within 90-days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

(c) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended, for any period that may be provided by federal regulation, at the request of the policyholder if the policyholder is entitled to benefits under Section 226(b) of the Social Security Act and is covered under a group health plan, as defined in Section 1862(b)(1)(A)(v) of the Social Security Act. If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstituted, effective as of the date of loss of coverage if the policyholder provides notice of loss of coverage within 90-days after the date of the loss.

(d) Reinstitution of coverages as described in Subsections (7)(b) and (c):

(i) shall not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of suspension; and

(iii) shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

B. Standards for Basic, Core, Benefits Common to Medicare Supplement Insurance Benefit Plans A, B, C, D, F, F with High Deductible, G, M, N. Every issuer of Medicare supplement insurance benefit plans shall make available a policy or certificate including only the following basic core package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period.

(2) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used.

(3) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system, PPS, rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance.

(4) Coverage under Medicare Parts A and B for the reasonable cost of the first 3 pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations.

(5) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

(6) Coverage of cost sharing for all Part A Medicare eligible hospice care and respite care expenses.

C. Standards for Additional Benefits. The following additional benefits shall be included in Medicare supplement benefit Plans B, C, D, F, F with High Deductible, G, M, N as provided by Section 9a.

(1) Medicare Part A Deductible: Coverage for 100% of the Medicare Part A inpatient hospital deductible amount per benefit period.

(2) Medicare Part A Deductible: Coverage for 50% of the Medicare Part A inpatient hospital deductible amount per benefit period.

(3) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A.

(4) Medicare Part B Deductible: Coverage for 100% of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(5) One hundred percent, 100%, of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charges as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(6) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of $250, and a lifetime maximum benefit of $50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

R590-146-9. Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery After July 30, 1992 and with an Effective Date for Coverage Prior to June 1, 2010.

A. An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic core benefits, as defined in Subsection 8.B.[~~8B~~] of this rule.

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this section may be offered for sale in this state, except as may be permitted in Subsection 9.G. and Section 10 of this rule.

C. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans [~~"~~]A[~~"~~] through L[~~"J"~~] listed in this section and conform to the definitions in Section 4 of this rule. Each benefit shall be structured in accordance with the format provided in Subsections 8.B.[~~8B~~] and 8.C.[~~8C~~], or 8.D.[~~8D~~] and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. An issuer may use, in addition to the benefit plan designations required in Subsection C, other designations to the extent permitted by law.

E. Make-up of benefit plans:

(1) Standardized Medicare supplement benefit plan [~~"~~]A[~~"~~] shall be limited to the basic, core, benefits common to all benefit plans, as defined in Subsection 8.B.[~~8B~~] of this rule.

(2) Standardized Medicare supplement benefit plan [~~"~~]B[~~"~~] shall include only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible as defined in Subsection [~~8C~~]8.C.(1).

(3) Standardized Medicare supplement benefit plan [~~"~~]C[~~"~~] shall include only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in Subsections [~~8C~~]8.C.(1), (2), (3) and (8) respectively.

(4) Standardized Medicare supplement benefit plan [~~"~~]D[~~"~~] shall include only the following: The core benefit, as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in ~~an~~ foreign country and the at-home recovery benefit as defined in Subsections [~~8C~~]8.C.(1), (2), (8) and (10) respectively.

(5) Standardized Medicare supplement benefit plan [~~"~~]E[~~"~~] shall include only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined in Subsections [~~8C~~]8.C.(1), (2), (8) and (9) respectively.

(6) Standardized Medicare supplement benefit plan [~~"~~]F[~~"~~] shall include only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Subsections [~~8C~~]8.C.(1), (2), (3), (5) and (8) respectively.

(7) Standardized Medicare supplement benefit high deductible plan [~~"~~]F[~~"~~] shall include only the following: 100% of covered expenses following the payment of the annual high deductible plan [~~"~~]F[~~"~~] deductible. The covered expenses include the core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Subsections [~~8C~~]8.C.(1), (2), (3), (5) and (8) respectively. The annual high deductible plan [~~"~~]F[~~"~~] deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan [~~"~~]F[~~"~~] policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan [~~"~~]F[~~"~~] deductible shall be $1500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

(8) Standardized Medicare supplement benefit plan [~~"~~]G[~~"~~] shall include only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, 80% of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in Subsections [~~8C~~]8.C.(1), (2), (4), (8) and (10) respectively.

(9) Standardized Medicare supplement benefit plan [~~"~~]H[~~"~~] shall consist of only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit and medically necessary emergency care in a foreign country as defined in Subsections [~~8C~~]8.C.(1), (2), (6) and (8) respectively. The prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(10) Standardized Medicare supplement benefit plan [~~"~~]I[~~"~~] shall consist of only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country and at-home recovery benefit as defined in Subsections [~~8C~~]8.C.(1), (2), (5), (6), (8) and (10) respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(11) Standardized Medicare supplement benefit plan [~~"~~]J[~~"~~] shall consist of only the following: The core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100% of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in Subsections [~~8C~~]8.C.(1), (2), (3), (5), (7), (8), (9) and (10) respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(12) Standardized Medicare supplement benefit high deductible plan [~~"~~]J[~~"~~] shall consist of only the following: 100% of covered expenses following the payment of the annual high deductible plan [~~"~~]J[~~"~~] deductible. The covered expenses include the core benefit as defined in Subsection 8.B.[~~8B~~] of this rule, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100% of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in Subsections [~~8C~~]8.C.(1), (2), (3), (5), (7), (8), (9) and (10) respectively. The annual high deductible plan [~~"~~]J[~~"~~] deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan [~~"~~]J[~~"~~] policy, and shall be in addition to any other specific benefit

deductibles. The annual deductible shall be $1500 for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of $10. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(F)[~~(E)~~] Make-up of two Medicare supplement plans mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, MMA.

(1) Standardized Medicare supplement benefit plan [~~"~~]K[~~"~~] shall consist of only those benefits described in Subsection 8.D.(1)[~~Section 8D(1)~~].

(2) Standardized Medicare supplement benefit plan [~~"~~]L[~~"~~] shall consist of only those benefits described in Subsection 8.D.(2)[~~Section 8D(2)~~].

(G) New or Innovative Benefits: An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new of innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner that is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefit shall not include an outpatient prescription drug benefit.

R590-146-9a. Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state with an effective date for coverage on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit plan standards. Benefit plan standards applicable to Medicare supplement policies and certificates with an effective date of coverage before June 1, 2010 remain subject to the requirements of Sections 8a and 9 of this rule.

A.(1) An issuer shall make available to each prospective policyholder and certificateholder a policy form or certificate form containing only the basic core benefits, as defined in Subsection 8a.B. of this rule.

(2) If an issuer makes available any of the additional benefits described in Subsection 8a.C., or offers standardized benefit Plan K or L, as described in Subsections 9a.E.(8) and (9) of this rule, then the issuer shall make available to each prospective policyholder and certificateholder, in addition to a policy form or certificate form with only the basic core benefits as described in Subsection (1), a policy form or certificate form containing either standardized benefit Plan C, as described in Subsection 9a.E.(3) of this rule, or standardized benefit Plan F, as described in Subsection 9a.E.(5) of this rule.

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this Subsection shall be offered for sale in this state, except as may be permitted in Subsection 9a.F. and in Section 10 of this rule.

C. Benefit plan shall be uniform in structure, language, designation and format to the standard benefit plans listed in this subsection and conform to the definitions in Section 4 of this rule. Each benefit shall be structured in accordance with the format provide in Subsections 8a.B. and C. of this rule; or, in the case of plans K or L, in Subsections 9a.E.(8) or (9) of this rule and list the benefits in the order shown. For purposes of this subsection, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. In addition to the benefit plan designations required in Subsection C, an issuer may use other designations to the extent permitted by law.

E. Make-up of 2010 Standardized Benefit Plans:

(1) Standardized Medicare supplement benefit Plan A shall include only the following: The basic core benefits as defined in Subsection 8a.B. of this rule.

(2) Standardized Medicare supplement benefit Plan B shall include only the following: the basic core benefit as defined in Subsection 8a.B. of this rule, plus 100% of the Medicare Part A deductible as defined in Subsection 8a.C.(1) of this rule.

(3) Standardized Medicare supplement benefit Plan C shall include only the following: The basic core benefit as defined in Subsection 8a.B. of this rule, plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B deductible, and medically necessary emergency care in a foreign country as defined in Subsections 8a.C.(1), (3), (4), and (6) of this rule, respectively.

(4) Standardized Medicare supplement benefit Plan D shall include only the following: The basic core benefit as defined in Subsection 8a.B. of this rule, plus 100% of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in Subsections 8a.C.(1), (3), and (6) of this rule, respectively.

(5) Standardized Medicare supplement benefit Plan F shall include only the following: The basic core benefit as defined in Subsection 8a.B. of this rule, plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B deductible, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Subsections 8a.C.(1), (3), (4), (5), and (6) of this rule, respectively.

(6) Standardized Medicare supplement benefit Plan F With High Deductible shall include only the following: 100% of covered expenses following the payment of the annual deductible set forth in Subsection (b).

(a) The basic core benefit as defined in Subsection 8a.B. of this rule, 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B deductible, 100% of the Medicare Part B excess charges, and medically necessary emergency care in foreign country as defined in Subsections 8a.C.(1), (3), (4), (5), and (6) of this rule, respectively.

(b) The annual deductible in Plan F With High Deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by Plan F, and shall be in addition to any other specific benefit deductibles. The basis for the deductible shall be $1500 and shall be adjusted annually from 1999 by the Secretary of the U.S. Department of Health and Human Services to reflect the change in the consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars.

(7) Standardized Medicare supplement benefit Plan G shall include only the following: The basic core benefit as defined in Subsection 8a.B. of this rule, plus 100% of the Medicare Part A deductible, skilled nursing facility care, 100% of the Medicare Part B excess charges, and medically necessary emergency care in a

foreign country as defined in Subsections 8a.C.(1), (3), (5), and (6) of this rule, respectively.

(8) Standardized Medicare supplement benefit Plan K is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

(a) Part A Hospital Coinsurance 61st through 90th days: Coverage of 100% of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period:

(b) Part A Hospital Coinsurance, 91st through 150th days: Coverage of 100% of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period:

(c) Part A Hospitalization After 150 Days: Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system, PPS, rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance:

(d) Medicare Part A Deductible: Coverage for 50% of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Subsection (j):

(e) Skilled Nursing Facility Care: Coverage for 50% of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subsection (j):

(f) Hospice Care: Coverage for 50% of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subsection(j):

(g) Blood: Coverage for 50%, under Medicare Part A or B, of the reasonable cost of the first 3 pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subsection (j):

(h) Part B Cost Sharing: Except for coverage provided in Subsection (i), coverage of 50% of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in Subsection (j):

(i) Part B Preventive Services: Coverage of 100% of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

(j) Cost Sharing After Out-of-Pocket Limits: Coverage of 100% of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of $4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(9) Standardized Medicare supplement benefit Plan L is mandated by The Medicare Prescription Drug Improvement and Modernization Act of 2003, and shall include only the following:

(a) The benefits described in Subsections (8)(a), (b), (c) and (i);

(b) The benefit described in Subsections (8)(d), (e), (f), (g) and (h), but substituting 75% for 50%; and

(c) The benefit described in Subsection (8)(j), but substituting $2000 for $4000.

(10) Standardized Medicare supplement benefit Plan M shall include only the following: The basic core benefit as defined in Subsection 8a.B. of this rule, plus 50% of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign county as defined in Subsections 8a.C.(2), (3) and (6) of this rule, respectively.

(11) Standardized Medicare supplement benefit Plan N shall include only the following: The basic core benefit as defined in Subsection 8a.B. of this rule, plus 100% of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in Subsections 8a.C.(1), (3) and (6) of this rule, respectively, with copayments in the following amounts;

(a) the lesser of $20 or the Medicare Part B coinsurance or copayment for each covered health care provider office visit, including visits to medical specialists; and

(b) the lesser of $50 or the Medicare Part B coinsurance or copayment for each covered emergency room visit, however, this copayment shall be waived if the insured is admitted to any hospital and the emergency visit is subsequently covered as a Medicare Part A expense.

F. New or Innovative Benefits. An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits, in addition to the standardized benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits shall include only benefits that are appropriate to Medicare supplement insurance, are new or innovative, are not otherwise available, and are cost effective. Approval of new or innovative benefits shall not adversely impact the goal of Medicare supplement simplification. New or innovative benefits shall not include an outpatient prescription drug benefit. New or innovative benefits shall not be used to change or reduce benefits, including a change of any cost-sharing provision, in any standardized plan.

R590-146-10. Medicare Select Policies and Certificates.

A.(1) This section shall apply to Medicare Select policies and certificates, as defined in this section.

(2) No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section.

B. For the purposes of this section:

(1) "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

(2) "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.

(3) "Medicare Select issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate.

(4) "Medicare Select policy" or "Medicare Select certificate" mean respectively a Medicare supplement policy or certificate that contains restricted network provisions.

(5) "Network provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

(6) "Restricted network provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

(7) "Service area" means the geographic area approved by the commissioner within which an issuer is authorized to offer a Medicare Select policy.

C. The commissioner may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this section and Section 4358 of the Omnibus Budget Reconciliation Act, OBRA, of 1990 if the commissioner finds that the issuer has satisfied all of the requirements of this rule.

D. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this state until its plan of operation has been approved by the commissioner.

E. A Medicare Select issuer shall file a proposed plan of operation with the commissioner in a format prescribed by the commissioner. The plan of operation shall contain at least the following information:

(1) evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

(a) services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community;

(b) the number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

(i) to deliver adequately all services that are subject to a restricted network provision; or

(ii) to make appropriate referrals;[~~ and~~]

(c) there are written agreements with network providers describing specific responsibilities;

(d) emergency care is available 24 hours per day and seven days per week; and

(e) in the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This subsection shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate;

(2) a statement or map providing a clear description of the service area;

(3) a description of the grievance procedure to be utilized;

(4) a description of the quality assurance program, including:

(a) the formal organizational structure;

(b) the written criteria for selection, retention and removal of network providers; and

(c) the procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted;

(5) a list and description, by specialty, of the network providers;

(6) copies of the written information proposed to be used by the issuer to comply with Subsection I; and

(7) any[~~ Any ~~]other information requested by the commissioner.

F.(1) A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the commissioner prior to implementing the changes.

(2) Any changes to the list of network providers shall be filed with the commissioner within 30 days of the change. The submission must include all network providers and clearly identify the new and discontinued providers.

G. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

(1) the services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and

(2) it is not reasonable to obtain services through a network provider.

H. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

I. A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

(1) an outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

(a) other Medicare supplement policies or certificates offered by the issuer; and

(b) other Medicare Select policies or certificates;

(2) a description, including address, phone number and hours of operation, of the network providers, including primary care physicians, specialty physicians, hospitals and other providers;

(3) a description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-network providers do not count toward the out-of-pocket annual limit contained in plans K and L;

(4) a description of coverage for emergency and urgently needed care and other out-of-service area coverage;

(5) a description of limitations on referrals to restricted network providers and to other providers;

(6) a description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer; and

(7) a description of the Medicare Select issuer's quality assurance program and grievance procedure.

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to Subsection I of this section and that the applicant understands the restrictions of the Medicare Select policy or certificate.

K. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

(1) The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

(2) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

(3) Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

(4) If a grievance is found to be valid, corrective action shall be taken promptly.

(5) All concerned parties shall be notified about the results of a grievance.

(6) The issuer shall report no later than March 31 of each calendar year to the commissioner regarding its grievance procedure. The report shall be in a format prescribed by the commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

L. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

M.(1) At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six months.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subsection, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

N. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

(1) Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this subsection, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

O. A Medicare Select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

R590-146-12. Guaranteed Issue for Eligible Persons.

A. Guaranteed Issue.

(1) Eligible persons are those individuals described in Subsection[~~subsection~~] B who seek to enroll under the policy during the period specified in Subsection C, and who submit evidence of the date of termination, disenrollment, or Medicare Part D enrollment with the application for a Medicare supplement policy.

(2) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in Subsection E that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

B. Eligible Persons.

An eligible person is an individual described in any of the following subsections:

(1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual.

(2) The individual is enrolled with a Medicare Advantage organization under a Medicare Advantage plan under part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a program of All-Inclusive Care for the Elderly, PACE, provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare Advantage plan:

(a) the certification of the organization[~~,~~] or plan [~~under this part,~~]has been terminated[~~, or the organization or plan has notified the individual of an impending termination of such certification~~];[~~ or~~]

(b) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides[~~, or has notified the individual of an impending termination or discontinuance of such plan~~];

(c) the individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act, where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856, or the plan is terminated for all individuals within a residence area;

(d) the individual demonstrates, in accordance with guidelines established by the Secretary, that:

(i) the organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

(ii) the organization, or producer or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

(e) the individual meets such other exceptional conditions as the Secretary may provide.[~~"~~]

(3)(a) The individual is enrolled with:

(i) an eligible organization under a contract under Section 1876 of the Social Security Act, Medicare cost;

(ii) a similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(iii) an organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act, health care prepayment plan; or

(iv) an organization under a Medicare Select policy; and

(b) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage in [~~Section~~]Subsection 12B(2).

(4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

(a)(i) of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

(ii) of other involuntary termination of coverage or enrollment under the policy;

(b) the issuer of the policy substantially violated a material provision of the policy; or

(c) the issuer, or a producer or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

(5)(a) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage organization under a Medicare Advantage plan under part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act, Medicare cost, any similar organization operating under demonstration project authority, any PACE provider[~~program~~]under Section 1894 of the Social Security Act or a Medicare Select policy; and

(b) The subsequent enrollment under Subsection (a) is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment, during which the enrollee is permitted to terminate such subsequent enrollment under Section 1851(e) of the federal Social Security Act; or

(6) The individual, upon first becoming eligible for benefits under part A of Medicare, enrolls in a Medicare Advantage plan under part C of Medicare, or in a PACE provider[~~program~~]under Section 1894 of the Social Security Act, and disenrolls from the plan or program by not later than 12 months after the effective date of enrollment.

(7) The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in Subsection E(4).

(8) The individual is enrolled under medical assistance under Title XIX of the Social Security Act, Medicaid, and is involuntarily terminated outside of requirements of Subsections 8.A.[~~Subsection 8(A)~~](7)(a) and (b).

C. Guaranteed Issue Time Periods.

(1) In the case of an individual described in Subsection B(1), the guaranteed issue period begins on the later of:

(a)[~~(i)~~] the date the individual receives a notice of termination or cessation of all supplemental health benefits or, if a noticed is not received, noticed that a claim has been denied because of a termination or cessation; or

(b)[~~(ii)~~] the date that the applicable coverage terminates or ceases; and ends sixty-three days thereafter;

(2) In case of an individual described in Subsections B(2), [~~B~~](3), [~~B~~](5) or [~~B~~](6), whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends sixty-three days after the date applicable coverage is terminated[~~.~~];

(3) In the case of an individual described in Subsection B(4)(a), the guaranteed issue period begins on the earlier of:

(a)[~~(i)~~] the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any; and

(b)[~~(ii)~~] the date that the applicable coverage is terminated, and ends on the date that is sixty-three days after the date the coverage is terminated[~~.~~];

(4) In case of an individual described in Subsections B(2), [~~B~~](4)(b) and [~~, B(4)~~](c), [~~B~~](5) or [~~B~~](6) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty days before the effective date of the disenrollment and ends on the day that is sixty-three days after the effective date[~~.~~];

(5) In the case of an individual described in Subsection B(7), the guaranteed issue period begins on the date the individual receives notice pursuant to Section 1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the sixty-day period immediately proceeding the initial Part D enrollment period ends on the date that is sixty-three days after the effective date of the individual's coverage under Medicare Part D[~~.~~]; and

(6) In case of an individual described in Subsection B but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on that date that is sixty-three days after the effective date.

D. Extended Medigap Access for Interrupted Trial Periods

(1) In the case of an individual described in Subsection B(5), or deemed to be so described, pursuant to this subsection, whose enrollment with an organization or provider[~~a plan or in a program~~]described in Subsection B(5)(a)[~~B(6)~~] is involuntarily terminated within the first twelve[~~-~~]months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in Subsection B[~~Section 12B~~](5);

(2) In the case of an individual described in Subsection B(6), or deemed to be so described, pursuant to this subsection[~~Subsection~~], whose enrollment with a plan or in a program described in Subsection B(6) is involuntarily terminated within the first twelve[~~-~~]months of enrollment, and who, without an intervening enrollments, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in Subsection B(6)[~~Section 12B(6)~~].

(3) For the purposes of Subsections B(5) and [~~B~~](6), no enrollment of an individual with an organization or provider described in Subsection B(5)(a), or with a plan or in a program described in Subsection B(6), may be deemed to be an initial enrollment under this subsection after the two-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

E. Products to Which Eligible Persons are Entitled

The Medicare supplement policy to which eligible persons are entitled under:

(1) Subsections [~~12~~]B(1), (2), (3), (4), and (8) is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, [~~or~~]F, including F with a high deductible, K or L offered by any issuer.

(2)(a) Subject to Subsection (b), Subsection [~~12~~]B(5) is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in Subsection (1)[~~.~~][~~-~~]

(b) After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with a outpatient prescription drug benefit, a Medicare supplement policy described in this subsection is:

(i) the policy available from the same issuer but modified to remove outpatient prescription drug coverage; or

(ii) at the election of the policyholder, an A, B, C, F, including F with a high deductible, K or L policy that is offered by any issuer;

(3) Subsection [~~12~~]B(6) shall include any Medicare supplement policy offered by any issuer;[~~.~~]

(4) Subsection [~~12~~]B(7) is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F, including F with a high deductible, K, or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

F. Notification provisions.

(1) At the time of an event described in Subsection B [~~of this section~~]because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Subsection A. Such notice shall be communicated contemporaneously with the notification of termination.

(2) At the time of an event described in Subsection B[~~ of this section~~] because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Subsection [~~12~~]A. Such notice shall be communicated within ten working days of the issuer receiving notification of disenrollment.

R590-146-14. Loss Ratio Standards and Refund or Credit of Premium.

A. Loss Ratio Standards.

(1)(a) A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits, not including anticipated refunds or credits, provided under the policy form or certificate form:

(i) at least 75% of the aggregate amount of premiums earned in the case of group policies; or

(ii) at least 65% of the aggregate amount of premiums earned in the case of individual policies[~~;~~].

(b) The loss ratio shall be calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and in accordance with accepted actuarial principles and practices. Incurred health care expenses where coverage is provided by a health maintenance organization shall not include:

(i) home office and overhead costs;

(ii) advertising costs;

(iii) commissions and other acquisition costs;

(iv) taxes;

(v) capital costs;

(vi) administration costs; and

(vii) claims processing costs.

(2) All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards, and comply with the requirements of R590-85.

(3) For purposes of applying Subsections (1) and 15.D.(3) only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising, including both print and broadcast advertising, shall be deemed to be individual policies.

(4)[~~(3)~~] For policies issued prior to July 30, 1992, expected claims in relation to premiums shall meet:

(a) the originally filed anticipated loss ratio when combined with the actual experience since inception;

(b) the appropriate loss ratio requirement from Subsections A(1)(a)(i) and (ii) when combined with actual experience beginning with the effective date of October 31, 1994 as set forth in Bulletin 94-8; and

(c) the appropriate loss ratio requirement from Subsections A(1)(a)(i) and (ii) over the entire future period for which the rates are computed to provide coverage.

B. Refund or Credit Calculation.

(1) An issuer shall collect and file with the commissioner by May 31 of each year each applicable form;[~~ the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan~~]

(a) Medicare Supplement Refund Calculation;

(b) Calculation of Benchmark Ratio Since Inception for Group Policies; and

(c) Calculation of the Benchmark Ratio Since Inception For Individual Policies.

(2) If on the basis of the experience as reported the benchmark ratio since inception, [~~,~~]ratio 1, exceeds the adjusted experience ratio since inception, [~~,~~]ratio 3, then a refund or credit calculation, is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

(3) For the purposes of this section, policies or certificates issued prior to July 30, 1992, the issuer shall make the refund or credit calculation separately for all individual policies, including all group policies subject to an individual loss ratio standard when issued, combined and all other group policies combined for experience after the effective date of this rule. The first report shall be due by May 31 each year.

(4) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. [~~Annual~~]Filing of Premium Rates.

(1) Annual Filing of Premium Rates Report.

(a) An issuer of Medicare supplement policies and certificates issued before or after the effective date of July 30, 1992 in this state shall file annually its rates, rating schedule and supporting

documentation including ratios of incurred losses to earned premiums by policy duration in accordance with the filing requirements and procedures prescribed by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio, which is greater than or equal to the applicable percentage, shall be demonstrated for policies or certificates in force less than three years.

(b) The Annual Filing of Premium Rates Report shall be filed no later than May 31 each year, and in compliance with R590-220.

(2)[~~(1)~~](a) As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state, appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents necessary to justify the adjustment shall accompany the filing.

(b) [~~As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state an~~]An issuer shall make premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform to minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

(c) If an issuer fails to make premium adjustments acceptable to the commissioner, the commissioner may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this section.[

~~(d) The Annual Filing of Premium Rates must be filed in compliance with R590-220-11.~~

~~(e) The Annual Filing of Premium Rates shall be filed no later than May 31 each year.~~]

(2) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

D. Public Hearings.

The commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of July 30, 1996 if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the commissioner.

R590-146-15. Filing of Policies, Certificates, and Premium Rates.

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed for use in accordance with filing requirements and procedures prescribed by the commissioner.

B. An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the commissioner in the state in which the policy or certificate was issued.

C. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed for acceptance in accordance with the filing requirements and procedures prescribed by the commissioner, and Rule R590-85.

D.(1) Except as provided in Subsection (2) [~~of this subsection,~~]an issuer shall not file more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

(2) An issuer may offer, with the approval of the commissioner, up to four additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

(a) the inclusion of new or innovative benefits;

(b) the addition of either direct response or producer marketing methods;

(c) the addition of either guaranteed issue or underwritten coverage;

(d) the offering of coverage to individuals eligible for Medicare by reason of disability.

(3) For the purposes of this section, a "type" means an individual policy, a group policy, an individual Medicare Select policy, or a group Medicare Select policy.

E.(1) Except as provided in Subsection (1)(a), an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this rule that has been approved by the commissioner. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous 12 months.

(a) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commissioner in writing its decision at least 30 days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the commissioner, the issuer may no longer offer for sale the policy form or certificate form in this state.

(b) An issuer that discontinues the availability of a policy form or certificate form pursuant to Subsection (a) shall not file a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate.

(2) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection[~~section~~].

(3) A change in the rating structure or methodology shall be considered a discontinuance under Subsection (1) unless the issuer complies with the following requirements:

(a) The issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

(b) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential, which is in the public interest.

F.(1) Except as provided in Subsection (2), the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in Rule R590-146-14.

(2) Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

R590-146-16. Permitted Compensation Arrangements.

A. An issuer or other entity may provide commission or other compensation to a producer or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200% of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

B. The commission or other compensation provided in subsequent renewal years shall be the same as that provided in the second year or period and shall be provided for no fewer than five renewal years.

C. No issuer or other entity may provide compensation to its producers [~~or other producers~~]and no producer may receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.

D. For purposes of this section, ["]compensation["] includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses, gifts, prizes, awards and finders fees.

R590-146-17. Required Disclosure Provisions.

A. General Rules.

(1) Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of the provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

(2) Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

(3) Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import.

(4) If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate section[~~subsection~~]of the policy and be labeled as "Preexisting Condition Limitations."

(5) Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

(6)(a) Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to persons eligible for Medicare shall provide to those applicants a Guide to Health Insurance for People with Medicare in the form developed jointly by the National Association of Insurance Commissioners and the Centers for Medicare and Medicaid Services, [~~,~~]CMS[~~,~~], in a type size no smaller than 12 point type. Delivery of the Guide shall be made whether or not the policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this rule. Except in the case of direct response issuers, delivery of the Guide shall be made to the applicant at the time of application and acknowledgment of receipt of the Guide shall be obtained by the issuer. Direct response issuers shall deliver the Guide to the applicant upon request but not later than at the time the policy is delivered.

(b) For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character, and line spacing.

B. Notice Requirements.

(1) As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the commissioner. The notice shall:

(a) include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate; and

(b) inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare.

(2) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

(3) The notices shall not contain or be accompanied by any solicitation.

C. MMA Notice Requirements.

Issuers shall comply with any notice requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

D. Outline of Coverage Requirements for Medicare Supplement Policies.

(1) Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgment of receipt of the outline from the applicant.

(2) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis

which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(3) The outline of coverage provided to applicants pursuant to this section consists of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than 12-point type. All plans [~~A-L~~]shall be shown on the cover page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

(4) The Outline of Medicare Supplement Coverage, from the National Association of Insurance Commissioners, dated 1998, as incorporated by reference herein, is available for public inspection at the Insurance Department.

E. Notice Regarding Policies or Certificates Which Are Not Medicare Supplement Policies.

(1) Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act, 42 U.S.C. 1395 et seq.;[,] a disability income policy; or other policy identified in Subsection 3B of this rule;[,] issued for delivery in this state to persons eligible for Medicare, shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than 12-point type and shall contain the following language:

"THIS (POLICY OR CERTIFICATE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CONTRACT). If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

(2) Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Subsection D(1) shall disclose, using the applicable statement in Subsection 25.E.[~~Appendix C~~], the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

R590-146-18. Requirements for Application Forms and Replacement Coverage.

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has Medicare supplement Medicare Advantage, Medicaid coverage, or another health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and producer containing such questions and statements may be used.

TABLE I

(Statements)
(Boldface Type)

(1) You do not need more than one Medicare supplement policy.
(2) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.
(3) You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.
(4) If, after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy or, if that is no longer available, a substantially equivalent policy, will be reinstituted if requested within 90 days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.
(5) If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy or, if that is no longer available, a substantially equivalent policy, will be reinstituted if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.
(6) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary(SLMB).

Questions
(Boldface Type)

If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with the application. PLEASE ANSWER ALL QUESTIONS.
(Please mark Yes or No below with an "X")
To the best of your knowledge,
(1)(a) Did you turn age 65 in the last 6 months?
Yes No
(b) Did you enroll in Medicare Part B in the last 6 months?
Yes No
(c) If yes, what is the effective date?
(2) Are you covered for medical assistance through the state Medicaid program?
(NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost", please answer NO to this question.)
YES NO
(a) Will Medicaid pay your premiums for this Medicare supplement policy?
YES NO

(b) Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium?
YES NO
(3)(a) If you had coverage from any Medicare plan other than original Medicare within the past 63 days, for example, a Medicare Advantage plan, or a Medicare HMO or PPO, fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.
START / / END / /
(b) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy?
YES NO
(c) Was this your first time in this type of Medicare plan?
YES NO
(d) Did you drop a Medicare supplement policy to enroll in the Medicare plan?
YES NO
(4)(a) Do you have another Medicare supplement policy in force?
YES NO
(b) If so, with what company, and what plan do you have (optional for Direct Mailers)?
.....
(c) If so, do you intend to replace your current Medicare supplement policy with this policy? YES NO
(5) Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan)
YES NO
(a) If so, with what company and what kind of policy?
.....
.....
.....
.....
(b) What are your dates of coverage under the other policy? If you are still covered under the other policy, leave "END" blank.
START / / END / /

B. Producers shall list any other health insurance policies they have sold to the applicant.

(1) List policies sold which are still in force.

(2) List policies sold in the past five years, which are no longer in force.

C. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

D. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its producer, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice signed by the applicant and the producer, except where the coverage is sold without a producer, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage.

E. The notice required by Subsection D above for an issuer shall be provided in substantially the following form in no less than 12-point type:

TABLE II
NOTICE TO APPLICANT REGARDING REPLACEMENT
OF MEDICARE SUPPLEMENT INSURANCE
OR MEDICARE ADVANTAGE

(Boldface Type)
(Insurance company's name and address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.
(Boldface Type)

According to (your application) (information you have furnished), you intend to terminate existing Medicare supplement insurance or Medicare Advantage and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy will provide 30 days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement or Medicare Advantage coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage.

You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.
STATEMENT TO APPLICANT BY ISSUER, PRODUCER (BROKER OR OTHER REPRESENTATIVE):

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan.
The replacement policy is being purchased for the following reason(s) (check one):
..... Additional benefits.
..... No change in benefits, but lower premiums.
..... Fewer benefits and lower premiums.
..... My plan has outpatient prescription drug coverage and I am enrolling in Part D.
..... Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment. (optional only for Direct Mailer.) ..... Other. (please specify)

1. Note: If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing pre-existing condition limitations, please skip to statement 2 below. Health conditions that[~~which~~] you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. (If the policy or certificate is guaranteed issue, this paragraph[~~subsection~~] need not appear.)

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

.....
(Signature of Producer, Broker or Other Representative)

(Typed Name and Address of Issuer, Producer or Broker)

.....
(Applicant's Signature)
.....
(Date)

Signature not required for direct response sales.

F. Subsections 1 and 2 of the replacement notice, applicable to preexisting conditions, may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

R590-146-20. Standards for Marketing.

A. An issuer, directly or through its producers, shall:

(1) establish marketing procedures to assure that any comparison of policies by its producers will be fair and accurate;

(2) establish marketing procedures to assure excessive insurance is not sold or issued.

(3) display prominently by type, stamp or other appropriate means, on the first page of the policy the following:

"Notice to buyer: This policy may not cover all of your medical expenses"

(4) inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance; and

(5) establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Section 31A-23-302, the following acts and practices are prohibited:

(1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert an insurance policy or to take out a policy of insurance with another insurer.

(2) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

C. The terms "Medicare Supplement," "Medigap," "Medicare Wrap-Around" and words of similar import shall not be used unless the policy is issued in compliance with this rule.[

~~D. An issuer shall comply with the Genetic Information Nondiscrimination Act of 2008, enacted May 21, 2008, Public Law 110-233. This document is incorporated by reference and available for inspection at the Insurance Department and the Department of Administrative Rules.~~]

R590-146-22. Reporting of Multiple Policies.

A. On or before May 31 of each year, an issuer shall file the report[~~the following information on the applicable reporting~~] form under Subsection 25.D.[~~contained in Appendix B~~] for every individual resident of this state for which the issuer has in force more than one Medicare supplement policy or certificate:

(1) policy and certificate number; and

(2) date of issuance.

B. The items set forth above shall be grouped by individual policyholder.

R590-146-24. Prohibition Against Use of Genetic Information and Requests for Genetic Testing.

This section applies to all policies with policy years beginning on or after May 21, 2009.

A. An issuer of a Medicare supplement policy or certificate:

(1) shall not deny or condition the issuance or effectiveness of the policy or certificate (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) on the basis of the genetic information with respect to such individual; and

(2) shall not discriminate in the pricing of the policy or certificate (including the adjustment of premium rates)of an individual on the basis of the genetic information with respect to such individual.

B. Nothing in Subsection A shall be construed to limit the ability of an issuer, to the extent otherwise permitted by law, from

(1) Denying or conditioning the issuance or effectiveness of the policy or certificate or increasing the premium for a group based on the manifestation of a disease or disorder of an insured or applicant; or

(2) Increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the group.

C. An issuer of a Medicare supplement policy or certificate shall not request or require an individual or a family member of such individual to undergo a genetic test.

D. Subsection C shall not be construed to preclude an issuer of a Medicare supplement policy or certificate from obtaining and using the results of a genetic test in making a determination regarding payment (as defined for the purposes of applying the regulations promulgated under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996 as may be revised from time to time) and consistent with Subsection A.

E. For purposes of carrying out Subsection D, an issuer of a Medicare supplement policy or certificate may request only the minimum amount of information necessary to accomplish the intended purpose.

F. Notwithstanding Subsection C, an issuer of a Medicare supplement policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

(1) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

(2) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that-

(a) compliance with the request is voluntary; and

(b) non-compliance will have no effect on enrollment status or premium or contribution amounts.

(3) No genetic information collected or acquired under this subsection shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rates, or the issuance, renewal, or replacement of a policy or certificate.

(4) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subsection, including a description of the activities conducted.

(5) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subsection.

G. An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information for underwriting purposes.

H. An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

I. If an issuer of a Medicare supplement policy or certificate obtains genetic information incidental to requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of Subsection H if such request, requirement, or purchase is not in violation of Subsection G.

J. For the purposes of this section only:

(1) "Issuer of a Medicare supplement policy or certificate" includes third-party administrator, or other person acting for or on behalf of such issuer.

(2) "Family member" means, with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

(3) "Genetic information" means, with respect to any individual, information about such individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. Any reference to genetic information concerning an individual or family member of an individual who is a pregnant woman, includes genetic information of any fetus carried by such pregnant woman, or with respect to an individual or family member utilizing reproductive technology, includes genetic information of any embryo legally held by an individual or family member. The term "genetic information" does not include information about the sex or age of any individual.

(4) "Genetic services" means a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education.

(5) "Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detect genotypes, mutations, or chromosomal changes. The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(6) "Underwriting purposes" means,

(a) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

(b) the computation of premium or contribution amounts under the policy;

(c) the application of any pre-existing condition exclusion under the policy; and

(d) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

R590-146-[24]25. Documents Incorporated by Reference.

The following filing documents are hereby incorporated by reference within this rule and are available for public inspection at the Insurance Department or at www.insurance.utah.gov. These forms were adopted by the National Association of Insurance Commissioners' Model Regulation number 651, as approved October 2008[~~from the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act, September 2004~~]:

A.[~~(1)~~] "MEDICARE SUPPLEMENT REFUND CALCULATION FORM;"

B.[~~(2)~~] "REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES;"

C.[~~(3)~~] "REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES;"

D.[~~(4)~~] "FORM FOR REPORTING MEDICARE SUPPLEMENT POLICIES;"

E.[~~(5)~~] "DISCLOSURE STATEMENTS;" and

F.[~~(6)~~] "OUTLINE OF MEDICARE SUPPLEMENT COVERAGE."

R590-146-26. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.

R590-146-27[~~25~~]. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule 45 days from the effective date or the rule[~~January 1, 2006~~].

R590-146-28[~~26~~]. Severability[~~Separability~~].

If any provision of this rule or its[~~the~~] application to any person or situation[~~circumstance~~] is [~~for any reason~~]held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable[~~the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected~~].

KEY: insurance
Date of Enactment or Last Substantive Amendment: [~~June 2,~~]2009
Notice of Continuation: April 16, 2007
Authorizing, and Implemented or Interpreted Law: 31A-22-620

♦ ♦

Tax Commission, Administration

R861-1A-41

Date of Assessment Pursuant to Utah Code Ann. Sections 59-1-302.1 and 59-1-706

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32824
FILED: 07/15/2009, 14:48

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This section is removed since it has been enacted into statute by S.B. 108 (2009). (DAR NOTE: S.B. 108 (2009) is found at Chapter 212, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: The section is removed since it is no longer necessary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-1-302.1 and 59-1-706

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any fiscal impacts were considered in S.B. 108 (2009).
❖ LOCAL GOVERNMENTS: None--Any fiscal impacts were considered in S.B. 108 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any fiscal impacts were considered in S.B. 108 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--S.B. 108 (2009) codified the language that is removed in this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY UT 84134-0002, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R861. Tax Commission, Administration.
R861-1A. Administrative Procedures.
[~~R861-1A-41. Date of Assessment Pursuant to Utah Code Ann. Sections 59-1-302.1 and 59-1-706.~~

~~(1) Except as provided in Subsections (2) and (3), "assessment date" means the date the tax liability is posted to the records of the commission.~~

~~(2) For purposes of a tax liability determined through an audit and for which a notice of deficiency has been mailed to the taxpayer, "assessment date" means:~~

~~(a) if a petition for redetermination has not been filed, the date:~~

~~(i) 30 days after a notice of deficiency has been mailed to the taxpayer;~~

~~(ii) 90 days after a notice of deficiency has been mailed to the taxpayer if the notice is addressed to a person outside the United States or District of Columbia; or~~

~~(iii) the taxpayer agrees with the commission, in writing, on the existence and amount of a tax liability, and consents to the assessment of the tax liability; or~~

~~(b) if a petition for redetermination has been filed, the date a tax liability resulting from a final commission decision is posted to the records of the commission.~~

~~(3) In the case of interest charged to a taxpayer, "assessment date" means the assessment date of the underlying tax liability.~~

~~(4) For purposes of Subsection (2), "deficiency" is defined as:~~

~~(a) provided in Section 59-7-516 in the case of a tax imposed under Title 59, Chapter 7, Corporate Franchise and Income Taxes;~~

~~(b) provided in Section 59-10-523 in the case of a tax imposed under Title 59, Chapter 10, Individual Income Tax Act; or~~

~~(c) unless otherwise provided in statute, the amount by which the tax imposed exceeds the excess of:~~

~~(I) the sum of:~~

~~(A) (i) the amount shown as the tax by the taxpayer upon his return, if the return was made by the taxpayer and if an amount was shown on the return as the tax by the taxpayer; or~~

~~(ii) zero, if no return is filed, or the return does not show any tax; and~~

~~(B) amounts previously assessed (or collected without assessment) as a deficiency; less~~

~~(II) amounts previously abated, refunded, or otherwise repaid in respect of that tax.~~

~~(5) For purposes of Subsection (2), a notice of deficiency shall:~~

~~(a) be mailed by the commission as provided in Subsection 59-7-517(1)(a) in the case of a tax imposed under Title 59, Chapter 7, Corporate Franchise and Income Taxes;~~

~~(b) be mailed by the commission as provided in Subsections 59-10-524(1) and (2) in the case of a tax imposed under Title 59, Chapter 10, Individual Income Tax Act; or~~

~~(c) (i) (A) unless otherwise required by statute, be mailed to the taxpayer at the taxpayer's last known address if the commission determines that there is a deficiency in a tax; and~~

~~(ii) set forth the details of the deficiency and the manner of its computation.~~

~~(6) The commission may, at any time within the period prescribed for assessment, make a supplemental assessment if it is ascertained that an assessment is imperfect or incomplete in any material respect.~~

~~(7) The provisions of this rule apply to all taxes and fees collected by the commission unless otherwise provided by statute.~~]

KEY: developmentally disabled, grievance procedures, taxation, disclosure requirements
Date of Enactment or Last Substantive Amendment: [~~December 4, 2008~~]2009
Notice of Continuation: March 20, 2007
Authorizing, and Implemented or Interpreted Law: 59-1-302.1; 59-1-706

♦ ♦

Tax Commission, Administration
R861-1A-44
Definition of Delivery Service Pursuant to Utah Code Ann. Section 59-1-1404

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32794
FILED: 07/06/2009, 14:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 108 (2009 General Session) requires a rule to define "delivery service" in accordance with the IRS definition for that term. (DAR NOTE: S.B. 108 (2009) is found at Chapter 212, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: The proposed rule indicates the entities that meet the IRS definition of "delivery service".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-1404

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any costs were considered in S.B. 108 (2009).
❖ LOCAL GOVERNMENTS: None--Any costs were considered in S.B. 108 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any costs were considered in S.B. 108 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Rule indicates delivery services that may be used in place of the U.S. postal system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY UT 84134-0002, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R861. Tax Commission, Administration.
R861-1A. Administrative Procedures.
R861-1A-44. Definition of Delivery Service Pursuant to Utah Code Ann. Section 59-1-1404.

For purposes of determining the date on which a document has been mailed under Section 59-1-1404, "delivery service" means the following delivery services the Internal Revenue Service has determined to be a designated delivery service under Section 7502, Internal Revenue Code:
(1) DHL Express (DHL):
(a) DHL Same Day Service;
(b) DHL Next Day 10:30 a.m.;
(c) DHL Next Day 12:00 p.m.;
(d) DHL DHL Next Day 3:00 p.m.; and
(e) DHL 2nd Day Service;
(2) Federal Express (FedEx):
(a) FedEx Priority Overnight;
(b) FedEx Standard Overnight;
(c) FedEx 2 Day;
(d) FedEx International Priority; and
(e) FedEx International First; and
(3) United Parcel Service (UPS):
(a) UPS Next Day Air;
(b) UPS Next Day Air Saver;
(c) UPS 2nd Day Air;
(c) UPS 2nd Day Air A.M.;
(d) UPS Worldwide Express Plus; and
(e) UPS Worldwide Express.

KEY: developmentally disabled, grievance procedures, taxation, disclosure requirements
Date of Enactment or Last Substantive Amendment: [~~December 4, 2008~~]2009
Notice of Continuation: March 20, 2007
Authorizing, and Implemented or Interpreted Law: 59-1-1404

♦ ♦

Tax Commission, Auditing
R865-6F-34
Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32792
FILED: 07/06/2009, 13:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 (2009 General Session) moves S Corporations from the corporate tax chapter to the individual income tax chapter of Title 59. (DAR NOTE: S.B. 23 (2009) is found at Chapter 312, Laws of Utah 2009, and was effective 03/25/2009.)

SUMMARY OF THE RULE OR CHANGE: This section is removed from the corporate tax rule, Rule R865-6F, and moved to the individual income tax rule, Rule R865-9I. (DAR NOTE: The proposed amendments to sections of Rule R865-9I are under DAR No. 32789, DAR No. 32793, and DAR No. 32795 in this issue, August 1, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-7-701

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact was considered in S.B. 23 (2009).
❖ LOCAL GOVERNMENTS: None--Any impact was considered in S.B. 23 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impact was considered in S.B. 23 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This corporate tax rule is removed and will be moved to an individual income tax rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-6F. Franchise Tax.
[~~R865-6F-34. Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701.~~
~~A. "Qualified subchapter S subsidiary" means a qualified subchapter S subsidiary as defined in Section 1361(b), Internal Revenue Code.~~
~~B. For purposes of Title 59, Chapter 7, Part 7, a qualified subchapter S subsidiary shall be treated in the same manner as it is treated for federal tax purposes under Section 1361(b), Internal Revenue Code.~~
~~C. An S corporation that owns one or more qualified subchapter S subsidiaries must take into account the activities of each qualified subchapter S subsidiary in determining whether the S corporation parent is doing business in Utah. For purposes of this determination, all of a subsidiary's activities will be attributed to the S corporation parent.~~
~~D. For purposes of Title 59, Chapter 7, Part 7:~~
~~1. the Utah property, payroll, and sales of each qualified subchapter S subsidiary shall be added, respectively, to the Utah property, payroll, and sales of the S corporation parent to determine the numerators of the property, payroll, and sales factors; and~~
~~2. the total property, payroll, and sales of each qualified subchapter S subsidiary shall be added, respectively, to the total property, payroll, and sales of the S corporation parent to determine the denominators of the property, payroll, and sales factors.~~
~~E. Except as provided in D., the apportionment fraction for an S corporation shall be calculated based on Sections 59-7-311 through 59-7-321 and as provided in Tax Commission rule R865-6F-8.~~
]
KEY: taxation, franchises, historic preservation, trucking industries
Date of Enactment or Last Substantive Amendment: [~~December 4, 2008~~]2009
Notice of Continuation: March 8, 2007
Authorizing, and Implemented or Interpreted Law: 59-7-701

Tax Commission, Auditing
R865-6F-35
S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32788
FILED: 07/06/2009, 13:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 (2009 General Session) moves S Corporations from the corporate tax chapter to the individual income tax chapter of Title 59. (DAR NOTE: S.B. 23 (2009) is found at Chapter 312, Laws of Utah 2009, and was effective 03/25/2009.)

SUMMARY OF THE RULE OR CHANGE: This section is removed from the corporate tax rule, Rule R865-6F, and moved to the individual income tax rule, Rule R865-9I. (DAR NOTE: The proposed amendments to sections of Rule R865-9I are under DAR No. 32789, DAR No. 32793, and DAR No. 32795 in this issue, August 1, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-7-703

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact was considered in S.B. 23 (2009).
❖ LOCAL GOVERNMENTS: None--Any impact was considered in S.B. 23 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impact was considered in S.B. 23 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This corporate tax rule is removed and moved to an individual income tax rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-6F. Franchise Tax.
[~~R865-6F-35. S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703.~~
~~(1) For purposes of Section 59-7-703(2)(b)(i), "items of income or loss from Schedule K of the 1120S federal form" shall be calculated by:~~
~~(a) adding back to the line on the Schedule K labeled "Income/loss reconciliation" the amount included on that schedule for:~~
~~(i) charitable contributions;~~
~~(ii) total foreign taxes paid or accrued; and~~
~~(iii) recapture of a benefit derived from a deduction under Section 179, Internal Revenue Code.~~
~~(b) If the S corporation was not required to complete the line labeled "Income/loss reconciliation" on the Schedule K, a pro forma calculation of the amounts for charitable contributions and foreign taxes paid or accrued, and of the amount that would have been entered on the "Income/loss reconciliation" line shall be used for purposes of this rule.~~
~~(2) An S corporation shall withhold tax on behalf of a nonresident shareholder at the rate in effect in Section 59-10-104.~~
~~(3) An S corporation with nonresident shareholders shall complete Schedule N of form TC-20S, and shall provide the following information for each nonresident shareholder:~~
~~(a) name;~~
~~(b) social security number;~~
~~(c) percentage of S corporation held; and~~
~~(d) amount of Utah tax paid or withheld on behalf of that shareholder.~~
]
KEY: taxation, franchises, historic preservation, trucking industries
Date of Enactment or Last Substantive Amendment: [~~December 4, 2008~~]2009
Notice of Continuation: March 8, 2007
Authorizing, and Implemented or Interpreted Law: 59-7-703

♦ ♦

Tax Commission, Auditing
R865-9I-13
Non-Resident's Share of Partnership or Limited Liability Company Income Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, and 59-10-1405

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32793
FILED: 07/06/2009, 14:52

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 (2009 General Session) requires a rule to indicate how a pass-through entity that is not an S Corporation will determine the tax it must withhold on its non-resident pass-through entity taxpayers. (DAR NOTE: S.B. 23 (2009) is found at Chapter 312, Laws of Utah 2009, and was effective 03/25/2009.)

SUMMARY OF THE RULE OR CHANGE: The amended rule indicates how a pass-through entity that is not an S Corporation will determine the tax to withhold on its nonresident pass-through entity taxpayers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact was considered in S.B. 23 (2009).
❖ LOCAL GOVERNMENTS: None--Any impact was considered in S.B. 23 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impact was considered in S.B. 23 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Pass-through entities are required to withhold tax on their non-resident pass-through entity taxpayers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--Pass-Through entities are required to withhold tax on their non-resident pass-through entity taxpayers. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-9I. Income Tax.
R865-9I-13. Nonresident's Share of [~~Partnership or Limited Liability Company~~]Pass-Through Entity Income Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405.

[~~(1) Nonresident partners and nonresident members shall keep adequate records to substantiate their determination or to permit a determination by the commission of the part of their adjusted gross income that was derived from or connected with sources in this state.~~

~~(2) Partnerships and limited liability companies may file form TC-65, Utah Partnership/Limited Liability Company Return of Income, as a composite return on behalf of nonresident partners or nonresident members that meet all of the following conditions:~~

~~(a) Nonresident partners or nonresident members included on the return may not have other income from Utah sources. Resident partners and resident members may not be included on the composite return.~~](1) The provisions of this rule apply to a pass-through entity that is not an S corporation. For provisions that apply to a pass-through entity that is an S corporation, see rule R865-9I-54.

[~~(b)~~](2) A schedule shall be included with the return listing [~~all nonresident partners or nonresident members included in the composite filing. The schedule shall list~~]all of the following information for each nonresident [~~partner or nonresident member~~]pass-through entity taxpayer:

[~~(i)~~](a) name;

[~~(ii)~~](b) address;

[~~(iii)~~](c) social security number;

[~~(iv)~~](d) percentage of [~~partnership or limited liability company~~] ownership in pass-through entity[~~income~~];

[~~(v)~~](e) Utah income attributable to that [~~partner or member~~]pass-through entity taxpayer.

[~~(c) Nonresident partners or nonresident members that are entitled to mineral production tax withholding credits, agricultural off-highway gas tax credits, or other Utah credits, may not be included in a composite filing, but must file form TC-40NR, Nonresident or Part-year Resident Form Individual Income Tax Return.~~

~~——~~](3) [~~The tax shall be computed using~~]A pass-through entity shall calculate the tax it withholds on behalf of its nonresident pass-through entity taxpayers by:

(a) multiplying the income of the pass-through entity attributable to nonresident pass-through entity taxpayers by the tax rate [~~imposed in accordance with~~]in effect under Section 59-10-104; and

(b) subtracting from the amount calculated in Subsection (4)(a) any amounts withheld from the pass-through entity under Section 59-6-102 attributable to nonresident pass-through entity taxpayers.

(4) The [~~partnership's or limited liability company's~~]pass-through entity's federal identification number shall be used on the form TC-65 in place of a social security number.

KEY: historic preservation, income tax, tax returns, enterprise zones
Date of Enactment or Last Substantive Amendment: [~~August 18, 2008~~]2009
Notice of Continuation: March 20, 2007
Authorizing, and Implemented or Interpreted Law: 103; 59-10-108 through 59-10-122; 59-10-1403.2; 59-10-1405

Tax Commission, Auditing
R865-9I-55
Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-10-1403

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32795
FILED: 07/06/2009, 15:09

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 (2009 General Session) moves S Corporations from the corporate tax chapter of Title 59 to the individual income tax chapter of Title 59. (DAR NOTE: S.B. 23 (2009) is found at Chapter 312, Laws of Utah 2009, and was effective 03/25/2009.)

SUMMARY OF THE RULE OR CHANGE: The proposed section takes the language of Section R865-6F-34, which is removed, and brings it into the individual income tax rule, Rule R865-9I, since an S Corporation is now treated as a pass-through entity under the individual income tax chapter of Title 59. (DAR NOTE: The proposed amendment to Section R865-6F-34 is under DAR No. 32792 in this issue, August 1, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-10-1403

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: None--Any impact was considered in S.B. 23 (2009).
- LOCAL GOVERNMENTS: None--Any impact was considered in S.B. 23 (2009).
- SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impact was considered in S.B. 23 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The rule has been moved from the corporate tax rule to the individual income tax rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-9I. Income Tax.
R865-9I-55. Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-10-1403.

(1) "Qualified subchapter S subsidiary" is as defined in Section 1361(b), Internal Revenue Code.

(2) For purposes of Title 59, Chapter 10, Part 14, a pass-through entity that is a qualified subchapter S subsidiary shall be treated in the same manner as it is treated for federal tax purposes under Section 1361(b), Internal Revenue Code.

(3) A pass-through entity that is an S corporation that owns one or more qualified subchapter S subsidiaries must take into account the activities of each qualified subchapter S subsidiary in determining whether the S corporation parent is doing business in Utah. For purposes of this determination, all of a subsidiary's activities will be attributed to the S corporation parent.

(4) For purposes of Title 59, Chapter 10, Part 14:

(a) the Utah property, payroll, and sales of each qualified subchapter S subsidiary shall be added, respectively, to the Utah property, payroll, and sales of the S corporation parent to determine the numerators of the property, payroll, and sales factors; and

(b) the total property, payroll, and sales of each qualified subchapter S subsidiary shall be added, respectively, to the total property, payroll, and sales of the S corporation parent to determine the denominators of the property, payroll, and sales factors.

(5) Except as provided in Subsection (4), the apportionment fraction for a pass-through entity that is an S corporation shall be calculated based on Sections 59-7-311 through 59-7-321 and as provided in Tax Commission rule R865-6F-8.

KEY: historic preservation, income tax, tax returns, enterprise zones
Date of Enactment or Last Substantive Amendment: [~~August 18, 2008~~]2009
Notice of Continuation: March 20, 2007
Authorizing, and Implemented or Interpreted Law: 59-10-1403

♦ ♦

Tax Commission, Auditing
R865-9I-56
Determination of Amounts Withheld by a Pass-Through Entity that is an S Corporation Pursuant to Utah Code Ann. Section 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2 and 59-10-1405

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32789
FILED: 07/06/2009, 13:18

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 (2009 General Session) moves S Corporations from the corporate tax chapter of Title 59 to the individual income tax chapter of Title 59. (DAR NOTE: S.B. 23 (2009) is found at Chapter 312, Laws of Utah 2009, and was effective 03/25/2009.)

SUMMARY OF THE RULE OR CHANGE: The proposed rule takes the language of Section R865-6F-35, which is deleted, and brings it into the individual income tax rule, Rule R865-9I, since an S Corporation is now treated as a pass-through entity under the individual income tax chapter of Title 59. (DAR NOTE: The proposed amendment to Section R865-6F-35 is

under DAR No. 32788 in this issue, August 1, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impacts were considered in S.B. 23 (2009).
❖ LOCAL GOVERNMENTS: None--Any impacts were considered in S.B. 23 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impacts were considered in S.B. 23 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The rule has been moved from the corporate tax rules to the individual income tax rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-9I. Income Tax.
R865-9I-56. Determination of Amounts Withheld by a Pass-Through Entity that is an S Corporation Pursuant to Utah Code Ann. Section 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405.

(1) The provisions of this rule apply to a pass-through entity that is an S corporation. For provisions that apply to a pass-through entity that is not an S corporation, see rule R865-9I-13.

(2) A pass-through entity that is an S corporation with nonresident shareholders shall complete Schedule N of form TC-20S, and shall provide the following information for each nonresident pass-through entity taxpayer:

(a) name;

(b) address;

(c) social security number;

(d) percentage of S corporation held; and

(e) amount of Utah tax paid or withheld on behalf of that pass-through entity taxpayer.

(3) The income of a pass-through entity that is an S corporation shall be calculated by:

(a) adding back to the line on the Schedule K labeled Income/loss reconciliation" the amount included on that schedule for:

(i) charitable contributions;

(ii) total foreign taxes paid or accrued; and

(iii) recapture of a benefit derived from a deduction under Section 179, Internal Revenue Code; or

(b) if the pass-through entity that is an S corporation was not required to complete the line labeled Income/loss reconciliation" on the Schedule K, a pro forma calculation of the amounts for charitable contributions and foreign taxes paid or accrued, and of the amount that would have been entered on the Income/loss reconciliation" line shall be used for purposes of this rule.

(4) A pass-through entity that is an S corporation shall calculate the tax it withholds on behalf of its nonresident pass-through entity taxpayers by:

(a) multiplying the income of the pass-through entity by the rate in effect under Section 59-10-104; and

(b) subtracting from the amount calculated in Subsection (4)(a) any amounts withheld under Section 59-6-102.

KEY: historic preservation, income tax, tax returns, enterprise zones
Date of Enactment or Last Substantive Amendment: [~~August 18, 2008~~]2009
Notice of Continuation: March 20, 2007
Authorizing, and Implemented or Interpreted Law: 59-10-108 through 59-10-122; 59-10-1403.2; 59-10-1405

Tax Commission, Auditing
R865-12L-17
Procedures for the Administration of the Tourism, Recreation, Cultural and Convention Facilities Tax Pursuant to Utah Code Ann. Sections 59-12-602 and 59-12-603

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32791
FILED: 07/06/2009, 13:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 55 (2009 General Session) clarified that the tourism, recreation, cultural, and convention facilities tax is imposed on alcoholic beverages, food and food ingredients, and prepared food. (DAR NOTE: H.B. 55 (2009) is found at Chapter 7, Laws of Utah 2009, and was effective 02/24/2009.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment clarifies that tourism, recreation, cultural, and convention facilities tax is imposed on alcoholic beverages, food and food ingredients, and prepared food.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-12-602 and 59-12-603

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact was considered in H.B. 55 (2009).
❖ LOCAL GOVERNMENTS: None--Any impact was considered in H.B. 55 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impact was considered in H.B. 55 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The clarification is a codification of Tax Commission practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-12L. Local Sales and Use Tax.
R865-12L-17. Procedures for Administration of the Tourism, Recreation, Cultural, and Convention Facilities Tax Pursuant to Utah Code Ann. Sections 59-12-602 and 59-12-603.

[~~A.~~](1) Definitions

[~~1.~~](a) "Primary business" means the source of more than 50 percent of the revenues of the retail establishment. In the case of a retail establishment with more than two lines of business, primary business means the line of business which generates the highest revenues when compared with the other lines of business.

[~~2.~~](b) "Retail establishment" means a single outlet, whether or not at a fixed location, operated by a seller. Retail establishment includes the preparation facilities of caterers, outlets that deliver the [~~foods or~~]alcoholic beverages, food and food ingredients, and prepared food that they prepare, and other similar sellers. A single seller engaged in multiple lines of business at one location may be deemed to be operating multiple retail establishments if the lines of business are not commonly regarded as a single retail establishment or if there are other factors indicating that the lines of business should be treated separately. The operation of concession stands by stadium owners, performers, promoters, or others with a financial interest in ticket sales or admission charges to any event shall be considered a separate line of business constituting a retail establishment.

[~~3.~~](c) "Theater" means an indoor or outdoor location for the presentation of movies, plays, or musicals.

[~~B.~~](2) If an establishment that is a restaurant under Section 59-12-602 sells prepackaged foods as incidental items with the sale of alcoholic beverages, food and food ingredients, or prepared foods, a tax imposed under Section 59-12-603(1)(b) applies to the prepackaged food as well.

[~~C.~~](3) For purposes of collecting the tax imposed on the sale of alcoholic beverages, food and food ingredients, and prepared foods and beverages, the tax will attach in the county in which the food or beverage is served.

[~~D.~~](4) A seller that sells foods or beverages prepared for immediate consumption and is uncertain whether it is a restaurant shall make application, in letter form, for exemption with the Tax Commission indicating the circumstances that may qualify it for an exemption. A single application may be filed by a seller for multiple retail establishments if the operations of all of the retail establishments are similar.

KEY: taxation, sales tax, restaurants, collections
Date of Enactment or Last Substantive Amendment: [~~January 1~~], 2009
Notice of Continuation: March 16, 2007
Authorizing, and Implemented or Interpreted Law: 59-12-602; 59-12-603

♦ ♦

Tax Commission, Auditing
R865-19S-58
Materials and Supplies Sold to Owners, Contractors and Repairmen of Real Property Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32785
FILED: 07/06/2009, 11:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 35 (2009 General Session) provides that appliances remain tangible personal property regardless of if or how they are attached to real property. (DAR NOTE: S.B. 35 (2009) is found at Chapter 314, Laws of Utah 2009, and was effective 07/01/2009.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes languages that treats built-in appliances as real property.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-12-102 and 59-12-103

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any revenue impact was considered in S.B. 35 (2009).
❖ LOCAL GOVERNMENTS: None--Any revenue impact was considered in S.B. 35 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any revenue impact was considered in S.B. 35 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Persons who sell or repair appliances will always know that their purchases are exempt and their sales are taxable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-58. Materials and Supplies Sold to Owners, Contractors and Repairmen of Real Property Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103.

(1) Sales of construction materials and other items of tangible personal property to real property contractors and repairmen of real property are generally subject to tax if the contractor or repairman converts the materials or items to real property.

(a) "Construction materials" include items of tangible personal property such as lumber, bricks, nails and cement that are used to construct buildings, structures or improvements on the land and typically lose their separate identity as personal property once incorporated into the real property.

(b) Fixtures or other items of tangible personal property such as furnaces, built-in air conditioning systems, [~~built-in appliances, ~~]or other items that are appurtenant to or incorporated into real property and that become an integral part of a real property improvement are treated as construction materials for purposes of this rule.

(2) The sale of real property is not subject to sales tax, nor is the labor performed on real property. For example, the sale of a completed home or building is not subject to the tax, but sales of materials and supplies to contractors for use in building the home or building are taxable transactions as sales to final consumers.

(a) The contractor or repairman who converts the personal property to real property is the consumer of tangible personal property regardless of the type of contract entered into--whether it is a lump sum, time and material, or a cost-plus contract.

(b) Except as otherwise provided in Subsection (2)(d), the contractor or repairman who converts the construction materials, fixtures or other items to real property is the consumer of the personal property whether the contract is performed for an individual, a religious or charitable institution, or a government entity.

(c) Sales of construction materials or fixtures made to religious or charitable institutions are exempt only if the items are sold as tangible personal property.

(d) Sales of materials are considered made to religious or charitable institutions and, therefore, exempt from sales tax, if:

(i) the religious or charitable institution makes payment for the materials directly to the vendor; or

(ii)(A) the materials are purchased on behalf of the religious or charitable institution.

(B) Materials are purchased on behalf of the religious or charitable institution if the materials are clearly identified and segregated and installed or converted to real property owned by the religious or charitable institution.

(e) Purchases not made pursuant to Subsection (2)(d) are assumed to have been made by the contractor and are subject to sales tax.

(3) If the contractor or repairman purchases all materials and supplies from vendors who collect the Utah tax, no sales tax license is required unless the contractor makes direct sales of tangible personal property in addition to the work on real property.

(a) If direct sales are made, the contractor shall obtain a sales tax license and collect tax on all sales of tangible personal property to final consumers.

(b) The contractor must accrue and remit tax on all merchandise bought tax-free and converted to real property. Books and records must be kept to account for both material sold and material consumed.

(4) This rule does not apply to contracts where the retailer sells and installs personal property that does not become part of the real property. Examples of items that remain tangible personal property even when attached to real property are:

(a) moveable items that are attached to real property merely for stability or for an obvious temporary purpose;

(b) manufacturing equipment and machinery and essential accessories appurtenant to the manufacturing equipment and machinery;

(c) items installed for the benefit of the trade or business conducted on the property that are affixed in a manner that facilitates removal without substantial damage to the real property or to the item itself and

(d) telephone or communications equipment and associated wire and lines if the equipment, wire, and lines:

(i) are provided as part of a single transaction;

(ii) that are part of real property are an incidental portion of the transaction;

(iii) are primarily used for the operation of a telephone system or a communications system;

(iv) are installed for the benefit of the trade or business conducted on the property; and

(v) are attached to real property in a manner such that their removal from the real property does not cause substantial damage to the equipment, wire, or lines or to the real property to which they are attached.

KEY: charities, tax exemptions, religious activities, sales tax
Date of Enactment or Last Substantive Amendment: [~~January 1~~], 2009
Notice of Continuation: March 13, 2007
Authorizing, and Implemented or Interpreted Law: 59-12-102; 59-12-103

♦ ♦

Tax Commission, Auditing
R865-19S-107
Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32796
FILED: 07/06/2009, 15:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 65 (2009 General Session) repealed the requirement to report certain sales exempt from sales tax. (DAR NOTE: H.B. 65 (2009) is found at Chapter 31, Laws of Utah 2009, and was effective 07/01/2009.)

SUMMARY OF THE RULE OR CHANGE: The section is removed since underlying statutory language has been repealed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-105

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--Any impact was considered in H.B. 65 (2009).
❖ LOCAL GOVERNMENTS: None--Any impact was considered in H.B. 65 (2009).
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--Any impact was considered in H.B. 65 (2009).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Purchases of manufacturing equipment and semiconductor equipment are no longer required to report their exempt purchases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated costs. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
[~~R865-19S-107. Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105.~~
~~The amount of purchases or uses exempt under Sections 59-12-104(14) and 59-12-104(51) shall be reported to the commission by the person that purchases the items exempt from sales or use tax under those subsections.~~
]
KEY: charities, tax exemptions, religious activities, sales tax
Date of Enactment or Last Substantive Amendment: [~~January 1~~], 2009
Notice of Continuation: March 13, 2007
Authorizing, and Implemented or Interpreted Law: 59-12-105

♦ ♦

Tax Commission, Auditing
R865-25X
Brine Shrimp Royalty

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 32825
FILED: 07/15/2009, 15:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is repealed since it is outdated and no longer reflects the statutes. The underlying statutes were amended in 2004.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-23-4

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--The rule has not been in use since the change in legislation.
❖ LOCAL GOVERNMENTS: None--The rule has not been in use since the change in legislation.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: None--The rule has not been in use since the change in legislation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The rule has not been in use since 2004.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts. D'Arcy Dixon, Commissioner

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R865. Tax Commission, Auditing.
~~[R865-25X. Brine Shrimp Royalty.~~
~~R865-25X-1. Brine Shrimp Royalty Procedures Pursuant to Utah Code Ann. Section 59-23-4.~~
~~A. "Gross weight" means the raw, wet, harvested weight of the unprocessed brine shrimp eggs as reported to the Division of Wildlife Resources, and includes any biomass or refuse harvested with the brine shrimp eggs.~~
~~B. A harvester of brine shrimp eggs shall calculate the net weight of unprocessed brine shrimp eggs harvested by multiplying the gross weight by .60.~~
~~C. Prior to January 31 of each year, a harvester shall file a report with the Tax Commission, on a form prescribed by the Tax Commission, containing the following information:~~
~~1. the net weight of unprocessed brine shrimp eggs harvested during the current harvest season and sold in arm's length transactions prior to submitting the report;~~
~~2. the total proceeds received prior to January 31 for the unprocessed brine shrimp eggs sold in C.1; and~~
~~3. proceeds received since the last January 31 reporting period for unprocessed brine shrimp eggs harvested in prior harvest seasons.~~
~~D. The Tax Commission shall annually determine the unit value of unprocessed brine shrimp eggs by dividing the aggregate proceeds reported by all harvesters under C.2. and C.3. by the aggregate net weight reported by all harvesters under C.1.~~

~~KEY: brine shrimp royalty~~
~~Date of Enactment or Last Substantive Amendment: August 11, 1998~~
~~Notice of Continuation: March 21, 2007~~
~~Authorizing, and Implemented or Interpreted Law: 59-23-4]~~

♦ ♦

Tax Commission, Motor Vehicle Enforcement
R877-23V-8
Signs and Identification Pursuant to Utah Code Ann. Section 41-3-105

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32790
FILED: 07/06/2009, 13:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 41-3-105 provides that the division may require a licensee to post a sign at the licensee's principal place of business and this particular rule needs updating.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds "distributor" to the list of licensees required to post a sign at the licensee's principal place of business.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-3-105

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: None--No changes to state-imposed fees, nor does this amendment increase the Commission's enforcement activities.
❖ LOCAL GOVERNMENTS: None--No local fees involved. Local governments are not involved in enforcement of this section.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Minimal increase between $270 and $3,600.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Licensees required to post a sign will spend between $30 and $400, depending on whether they make the sign themselves or have it made professionally, and whether it is simple or elaborate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact is anticipated to be between $30 and $400 depending on type and style of signage. D'Arcy Dixon, Commissioner

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

TAX COMMISSION
MOTOR VEHICLE ENFORCEMENT
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R877. Tax Commission, Motor Vehicle Enforcement.
R877-23V. Motor Vehicle Enforcement.
R877-23V-8. Signs and Identification Pursuant to Utah Code Ann. Section 41-3-105.

(1) Every dealer, dismantler, manufacturer, remanufacturer, transporter, crusher, [~~and~~]body shop, and distributor must post a sign at its principal place of business.

(2) The sign required under Subsection (1) shall:

(a) plainly display in a permanent manner the name under which the business is licensed;

(b) be at least 24 square feet in size, unless required otherwise, in writing, by a government entity; and

(c) be painted on the building, attached to the building with nails or bolts, or affixed to posts that have been securely anchored in the ground.

(3) A similar sign must be conspicuously posted at each additional place of business and must show, in addition, the address of the principal place of business. All signs must remain posted at each place of business and on the office. If the office is not located at the site on which the motor vehicles are displayed or offered for sale or exchange, the bonded dealer number, dismantler number, or manufacturer number must also be conspicuously displayed either on the sign or on the building.

(4) If the additional place of business is an auto show or similar business that will conduct business for ten days or less, the sign need only show the licensee's name as licensed by the division and be of a size that reasonably identifies the licensee.

(5) No place of business may be operated under a name other than that by which the licensee is licensed by the division. No sign may be posted at a place of business that shows a business name other than the one licensed by the division or gives the impression that the business is other than the one licensed by the division. However, a sign containing a variation of the licensee's name, if a variation of the licensee's name is required by a manufacturer in writing, may be posted as long as the sign containing the licensed name is more prominent.

(6) Documents submitted by a licensee to a government entity shall be identified only by the name under which the licensee is licensed by the division. All documents used by the licensee to promote or transact a sale or lease of a vehicle shall identify that licensee only by the name under which the licensee is licensed with the division.

KEY: taxation, motor vehicles
Date of Enactment or Last Substantive Amendment: [~~March 3~~], 2009
Notice of Continuation: March 14, 2007
Authorizing, and Implemented or Interpreted Law: 41-3-105

Tax Commission, Motor Vehicle Enforcement
R877-23V-12
Documents Required Prior to Issue of a License Pursuant to Utah Code Ann. Section 41-3-105

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32786
FILED: 07/06/2009, 12:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 41-3-105 provides rulemaking power to the division to carry out the purposes of the Motor Vehicle Business Regulation Act and this particular rule needs updating.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment updates the documents a distributor must provide to receive a motor vehicle distributor license in Utah.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-3-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The amendment does not change the state-imposed fees, nor does this amendment increase the Commission's enforcement activities.

❖ LOCAL GOVERNMENTS: None--No local fees are involved. Local governments are not involved in enforcement of this section.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Minimal--The applicant will be required to make a minimal photo of the applicant's place of business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Minimal cost--The proposed amendment requires a distributor licensee applicant to provide evidence of a sales tax license and that the place of business has been inspected by the division, and requires the

applicant to bring a photo of the place of business, including sign.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is anticipated to be a minimal cost for photos. D'Arcy Dixon, Commissioner

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

TAX COMMISSION
MOTOR VEHICLE ENFORCEMENT
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R877. Tax Commission, Motor Vehicle Enforcement.
R877-23V. Motor Vehicle Enforcement.
R877-23V-12. Documents Required Prior to Issue of a License Pursuant to Utah Code Ann. Section 41-3-105.

[~~A.~~]The following items must be properly completed and presented to the [~~Motor Vehicle Enforcement Division (~~]division[~~)~~] before a license is issued.

[~~1.~~](1) New motor vehicle dealer or new motorcycle and small trailer dealer license:

[~~a~~](a) application for license;

[~~b~~](b) dealer bond in the amount prescribed by Section 41-3-205;

[~~c~~](c) evidence that a Utah sales tax license has been issued to the dealership;

[~~d~~](d) franchise verification from the manufacturer of each make of new motor vehicle to be offered for sale;

[~~e~~](e) [~~picture~~]pictures of the dealership, clearly showing the office, display space, and required sign;

[~~f~~](f) pictures of the owner, partners, or corporate officers who will act as no-fee salespersons;

[~~g~~](g) the fee required by Section 41-3-601;

[~~h~~](h) evidence that the place of business has been inspected by an authorized division employee or agent;

[~~i.~~](i) fingerprints of the owner, partners, or corporate officers who will act as no-fee salespersons, and the fees and waiver required by the Department of Public Safety for the processing of fingerprints.

[~~2.~~](2) Used motor vehicle dealer or used motorcycle and small trailer dealer license:

[~~a~~](a) application for license;

[~~b~~](b) dealer bond in the amount prescribed by Section 41-3-205;

[~~c~~](c) evidence that a Utah sales tax license has been issued to the dealership;

[~~d~~](d) [~~picture~~]pictures of the dealership, clearly showing the office, display space, and required sign;

[~~e~~](e) pictures of the owner, partners, or corporate officers who will act as no-fee salespersons;

[~~f~~](f) the fee required by law;

[~~g~~](g) evidence that the place of business has been inspected by an authorized division employee or agent;

[~~h~~](h) fingerprints of the owner, partners, or corporate officers who will act as no-fee salespersons, and the fees and waiver required by the Department of Public Safety for the processing of fingerprints.

[~~3.~~](3) Manufacturer or remanufacturer license:

[~~a~~](a) application for license;

[~~b~~](b) evidence that the applicant has complied with the National Highway Traffic and Safety Administration's Motor Vehicle Safety Standard No. 115, regarding 17 character vehicle identification number (VIN) requirements;

[~~c~~](c) [~~picture~~]pictures of the principal place of business and required sign;

[~~d~~](d) the fee required by Section 41-3-601;

[~~e~~](e) evidence that a Utah sales tax license has been issued to the manufacturer or remanufacturer;

[~~f~~](f) evidence that the place of business has been inspected by an authorized division employee or agent.

[~~4.~~](4) Transporter license:

[~~a~~](a) application for license;

[~~b~~](b) [~~picture~~]pictures of the principal place of business and required sign;

[~~c~~](c) the fee required by Section 41-3-601;

[~~d~~](d) if applicable, evidence that a Utah sales tax license has been issued to the transporter;

[~~e~~](e) evidence that the place of business has been inspected by an authorized division employee or agent.

[~~5.~~](5) Dismantler license:

[~~a~~](a) application for license;

[~~b~~](b) evidence that a Utah sales tax license has been issued for the dismantler;

[~~c~~](c) [~~picture~~]pictures of the principal place of business, clearly showing the office[~~,~~] and required sign[~~, and display space~~];

[~~d~~](d) the fee required by Section 41-3-601;

[~~e~~](e) evidence that the place of business has been inspected by an authorized division employee or agent.

[~~6.~~](6) Crusher license:

[~~a~~](a) application for license;

[~~b~~](b) crusher bond as prescribed in Section 41-3-205;

[~~c~~](c) [~~picture~~]pictures of the principal place of business, clearly showing the office and required sign;

[~~d~~](d) the fee required by Section 41-3-601;

[~~e~~](e) evidence that a Utah sales tax license has been issued for the crusher;

[~~f~~](f) evidence that the place of business has been inspected by an authorized division employee or agent.

[~~7.~~](7) Salesperson license:

[~~a~~](a) application for license;

[~~b~~](b) picture of the applicant;

[~~c~~](c) fingerprints of the applicant and the fees and waiver required by the Department of Public Safety for the processing of fingerprints;

[~~d~~](d) the fee required by Section 41-3-601.

[~~8.~~](8) Distributor, factory branch, distributor branch, or representative license:

[~~a~~](a) application for license;

[~~b~~](b) the fee required by Section 41-3-601;

(c) pictures of the principal place of business, clearly identifying the office and required sign;

(d) evidence that a Utah sales tax license has been issued for the distributor;

(e) evidence that the place of business has been inspected by a authorized division employee or agent.

[~~9.~~](9) Body shop license:

[~~a~~](a) application for license;

[~~b~~](b) body shop bond as prescribed in Section 41-3-205;

[~~c~~](c) [~~picture~~]pictures of the principal place of business, clearly showing the office[~~,~~] and required sign[~~, and display space~~];

[~~d~~](d) the fee required by Section 41-3-601;

[~~e~~](e) evidence that a Utah sales tax license has been issued for the body shop;

[~~f~~](f) evidence that the place of business has been inspected by an authorized division employee or agent.

[~~10.~~](10) New applicants may also be required to attend an orientation class on motor vehicle laws and motor vehicle business laws before their license is issued.

KEY: taxation, motor vehicles
Date of Enactment or Last Substantive Amendment: [~~March 3~~], 2009
Notice of Continuation: March 14, 2007
Authorizing, and Implemented or Interpreted Law: 41-3-105

♦ ♦

Tax Commission, Property Tax

R884-24P-33

2009 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32822
FILED: 07/14/2009, 13:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-107 authorizes the State Tax Commission to promulgate rules that define classes of items considered to be personal property and provide valuation percent good schedules to value locally assessed personal property.

SUMMARY OF THE RULE OR CHANGE: The valuation guides and schedules contained in this section are reviewed and updated annually by the Property Tax Division. The personal property guides and schedules are used for local property tax valuation and assessment of business personal property and certain motor vehicles.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amount of savings or cost to state government is not affected by this rule. Tax revenue generated by taxing personal property is distributed to local governments to finance public services, programs, school districts, and local districts. No tax revenues generated by taxation of personal property will be retained by state government.

❖ LOCAL GOVERNMENTS: The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property values and the change in the annual property tax rate. Increases or decreases in 2010 tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of property during 2010 are unknown. The proposed personal property schedules in Section R884-24P-33 are raised, lowered, or remain the same for 2010 based upon the type and age of the personal property assessed. Schedules for Classes 12, 15, 24, and 27 are proposed with no changes for 2010. Schedules used to value business personal property increase or decrease based upon the calculation of economic trends from cost indexes published by the Marshall Valuation Service. Generally, these cost indexes indicate a sharp decline due to a depressed economy. Thus, most proposed personal property schedules reflect a reduction from 2009. In aggregate, for all personal property schedules, it is anticipated that the change in the annual property tax rate will have a larger impact on revenue than will the proposed schedule changes in Section R884-24P-33.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: In the aggregate, the amount of savings or cost to small business is undetermined. Affected businesses pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate. The proposed personal property schedules in Section R884-24P-33 are raised, lowered, or remain the same for 2010 based upon the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected businesses without knowing the 2010 personal property mix compared to the previous year. In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate. The proposed personal property schedules in Section R884-24P-33 are raised, lowered or remain the same for 2010 based upon the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2010 personal property mix compared to the previous year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Local business owners and property tax practitioners will once again be required to be aware of new percent good figures. This is an annual occurrence; therefore, the compliance cost in completing the assessment process will not change. The change in taxes charged for these businesses depends entirely on the owner's mix of personal property since some percent good schedules are increasing and others decreasing.

For example, the owner of a business may discard some personal property items and add new equipment or replace equipment which may increase or decrease personal property values. In addition, the personal property percent good schedule percentages often change from the previous year due to current economic conditions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses from changes in the proposed personal property schedules due to changes in Section R884-24P-33 will not be as significant as changes in the annual property tax rate. D'Arcy Dixon, Commissioner

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: D'Arcy Dixon, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-33. [~~2009~~]2010 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

(1) Definitions.

(a)(i) "Acquisition cost" does not include indirect costs such as debugging, licensing fees and permits, insurance, or security.

(ii) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

(b)(i) "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

(ii) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

(c) "Cost new" means the actual cost of the property when purchased new.

(i) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

(A) documented actual cost of the new or used vehicle; or

(B) recognized publications that provide a method for approximating cost new for new or used vehicles.

(ii) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(A) class 6 heavy and medium duty trucks;

(B) class 13 heavy equipment;

(C) class 14 motor homes;

(D) class 17 vessels equal to or greater than 31 feet in length; and

(E) class 21 commercial trailers.

(d) For purposes of Sections 59-2-108 and 59-2-1115, "item of taxable tangible personal property" means a piece of equipment, machinery, furniture, or other piece of tangible personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable tangible personal property is not an individual component part of a piece of machinery or equipment, but the piece of machinery or equipment. For example, a fully functioning computer is an item of taxable tangible personal property, but the motherboard, hard drive, tower, or sound card are not.[~~— Similarly, an automobile is an item of taxable tangible personal property, but the transmission, tires, and battery are not.~~]

(e) "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

(i) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

(ii) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as Penton Price Digests.

(2) Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

(a) Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

(b) A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

(c) County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

(d) A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

(3) The provisions of this rule do not apply to:

(a) a vehicle subject to the age-based uniform fee under Section 59-2-405.1;

(b) the following personal property subject to the age-based uniform fee under Section 59-2-405.2:

(i) an all-terrain vehicle;

(ii) a camper;

(iii) an other motorcycle;

(iv) an other trailer;

(v) a personal watercraft;

(vi) a small motor vehicle;

(vii) a snowmobile;
(viii) a street motorcycle;
(ix) a tent trailer;
(x) a travel trailer; and
(xi) a vessel, including an outboard motor of the vessel, that is less than 31 feet in length and
(c) an aircraft subject to the uniform statewide fee under Section 59-2-404.

(4) Other taxable personal property that is not included in the listed classes includes:

(a) Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

(b) Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

(c) Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

(5) Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

(6) All taxable personal property, other than personal property subject to an age-based uniform fee under Section 59-2-405.1 or 59-2-405.2, or a uniform statewide fee under Section 59-2-404, is classified by expected economic life as follows:

(a) Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

(i) Examples of property in the class include:
(A) barricades/warning signs;
(B) library materials;
(C) patterns, jigs and dies;
(D) pots, pans, and utensils;
(E) canned computer software;
(F) hotel linen;
(G) wood and pallets;
(H) video tapes, compact discs, and DVDs; and
(I) uniforms.

(ii) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

(A) retail price of the canned computer software;

(B) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(C) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

(iv) Video tapes, compact discs, and DVDs are valued at $15.00 per tape or disc for the first year and $3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~72%~~]68%
[~~07~~]08	[~~43%~~]41%
[~~06~~]07 and prior	11%

(b) Class 2 - Computer Integrated Machinery.

(i) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(A) The equipment is sold as a single unit. If the invoice breaks out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(B) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(C) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(D) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(E) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

(ii) Examples of property in this class include:
(A) CNC mills;
(B) CNC lathes;
(C) high-tech medical and dental equipment such as MRI equipment,
CAT scanners, and
mammography units.

(iii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~91%~~]87%
[~~07~~]08	[~~83%~~]81%
[~~06~~]07	[~~75%~~]71%
[~~05~~]06	[~~66%~~]63%
[~~04~~]05	[~~56%~~]53%
[~~03~~]04	43%
[~~02~~]03	29%
[~~01~~]02 and prior	15%

(c) Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

(i) Examples of property in this class include:
(A) office machines;
(B) alarm systems;
(C) shopping carts;
(D) ATM machines;
(E) small equipment rentals;
(F) rent-to-own merchandise;
(G) telephone equipment and systems;
(H) music systems;
(I) vending machines;
(J) video game machines; and
(K) cash registers and point of sale equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~86%~~]81%
[~~07~~]08	[~~71%~~]69%

[~~06~~]07	[~~56%~~]54%
[~~05~~]06	[~~39%~~]38%
[~~04~~]05 and prior	[~~21%~~]20%

(d) Class 4 Short Life Expensed Property.

(i) Property shall be classified as short life expensed property if all of the following conditions are met:

(A) the property is an item of taxable tangible personal property with an acquisition cost of $1,000 or less;

(B) the property is the same type as the following personal property:

(I) short life property;

(II) short life trade fixtures; or

(III) computer hardware; and

(C) the owner of the property elects to have the property assessed as short life expensed property.

(ii) Examples of property in this class include:

(A) short life property defined in Class 1;

(B) short life trade fixtures defined in Class 3; and

(C) computer hardware defined in Class 12.

(iii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 4

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~69%~~]67%
[~~07~~]08	[~~52%~~]51%
[~~06~~]07	30%
[~~05~~]06	[~~17%~~]16%
[~~04~~]05	[~~11%~~]10%

(e) Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

(i) Examples of property in this class include:

(A) furniture;

(B) bars and sinks:

(C) booths, tables and chairs;

(D) beauty and barber shop fixtures;

(E) cabinets and shelves;

(F) displays, cases and racks;

(G) office furniture;

(H) theater seats;

(I) water slides; and

(J) signs, mechanical and electrical.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~93%~~]88%
[~~07~~]08	[~~85%~~]83%
[~~06~~]07	[~~79%~~]75%
[~~05~~]06	[~~71%~~]68%
[~~04~~]05	[~~63%~~]59%
[~~03~~]04	[~~52%~~]51%
[~~02~~]03	39%
[~~01~~]02	26%
[~~00~~]01 and prior	13%

(f) Class 6 - Heavy and Medium Duty Trucks.

(i) Examples of property in this class include:

(A) heavy duty trucks;

(B) medium duty trucks;

(C) crane trucks;

(D) concrete pump trucks; and

(E) trucks with well-boring rigs.

(ii) Taxable value is calculated by applying the percent good factor against the cost new.

(iii) Cost new of vehicles in this class is defined as follows:

(A) the documented actual cost of the vehicle for new vehicles; or

(B) 75 percent of the manufacturer's suggested retail price.

(iv) For state assessed vehicles, cost new shall include the value of attached equipment.

(v) The [~~2009~~]2010 percent good applies to [~~2009~~]2010 models purchased in [~~2008~~]2009.

(vi) Trucks weighing two tons or more have a residual taxable value of $1,750.

TABLE 6

Model Year	Percent Good of Cost New
[~~09~~]10	90%
[~~08~~]09	[~~84%~~]79%
[~~07~~]08	[~~77%~~]73%
[~~06~~]07	[~~71%~~]67%
[~~05~~]06	[~~65%~~]61%
[~~04~~]05	[~~59%~~]55%
[~~03~~]04	[~~52%~~]49%
[~~02~~]03	[~~46%~~]43%
[~~01~~]02	[~~40%~~]37%
[~~00~~]01	[~~34%~~]31%
[~~99~~]00	[~~27%~~]25%
[~~98~~]99	[~~21%~~]19%
[~~97~~]98	[~~15%~~]13%
[~~96~~]97 and prior	[~~8%~~]7%

(g) Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

(i) Examples of property in this class include:

(A) medical and dental equipment and instruments;

(B) exam tables and chairs;

(C) microscopes; and

(D) optical equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~94%~~]89%
[~~07~~]08	[~~89%~~]86%
[~~06~~]07	[~~85%~~]80%
[~~05~~]06	[~~79%~~]76%
[~~04~~]05	[~~74%~~]69%
[~~03~~]04	[~~65%~~]64%
[~~02~~]03	[~~55%~~]54%
[~~01~~]02	44%
[~~00~~]01	33%
[~~99~~]00	[~~23%~~]22%
[~~98~~]99 and prior	11%

(h) Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created

by competition as technologically advanced and more efficient equipment becomes available.

(i) Examples of property in this class include:

(A) manufacturing machinery;

(B) amusement rides;

(C) bakery equipment;

(D) distillery equipment;

(E) refrigeration equipment;

(F) laundry and dry cleaning equipment;

(G) machine shop equipment;

(H) processing equipment;

(I) auto service and repair equipment;

(J) mining equipment;

(K) ski lift machinery;

(L) printing equipment;

(M) bottling or cannery equipment;

(N) packaging equipment[~~.~~]; and

(O) pollution control equipment.

(ii) Except as provided in Subsection (6)(g)(iii), taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) (A) Notwithstanding Subsection (6)(g)(ii), the taxable value of the following oil refinery pollution control equipment required by the federal Clean Air Act shall be calculated pursuant to Subsection (6)(g)(iii)(B):

(I) VGO (Vacuum Gas Oil) reactor;

(II) HDS (Diesel Hydrotreater) reactor;

(III) VGO compressor;

(IV) VGO furnace;

(V) VGO and HDS high pressure exchangers;

(VI) VGO, SRU (Sulfur Recovery Unit), SWS (Sour Water Stripper), and TGU; (Tail Gas Unit) low pressure exchangers;

(VII) VGO, amine, SWS, and HDS separators and drums;

(VIII) VGO and tank pumps;

(IX) TGU modules; and

(X) VGO tank and air coolers.

(B) The taxable value of the oil refinery pollution control equipment described in Subsection (6)(g)(iii)(A) shall be calculated by:

(I) applying the percent good factor in Table 8 against the acquisition cost of the property; and

(II) multiplying the product described in Subsection (6)(g)(iii)(B)(I) by 50%.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~94%~~]89%
[~~07~~]08	[~~89%~~]86%
[~~06~~]07	[~~85%~~]80%
[~~05~~]06	[~~79%~~]76%
[~~04~~]05	[~~74%~~]69%
[~~03~~]04	[~~65%~~]64%
[~~02~~]03	[~~55%~~]54%
[~~01~~]02	44%
[~~00~~]01	33%
[~~99~~]00	[~~23%~~]22%
[~~98~~]99 and prior	11%

(i) Class 9 - Off-Highway Vehicles.

(i) Because Section 59-2-405.2 subjects off-highway vehicles to an age-based uniform fee, a percent good schedule is not necessary.

(j) Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

(i) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~96%~~]91%
[~~07~~]08	[~~92%~~]90%
[~~06~~]07	[~~90%~~]86%
[~~05~~]06	[~~87%~~]83%
[~~04~~]05	[~~85%~~]79%
[~~03~~]04	[~~78%~~]77%
[~~02~~]03	[~~70%~~]69%
[~~01~~]02	[~~61%~~]62%
[~~00~~]01	[~~54%~~]53%
[~~99~~]00	45%
[~~98~~]99	36%
[~~97~~]98	[~~28%~~]27%
[~~96~~]97	[~~19%~~]18%
[~~95~~]96 and prior	[~~10%~~]9%

(k) Class 11 - Street Motorcycles.

(i) Because Section 59-2-405.2 subjects street motorcycles to an age-based uniform fee, a percent good schedule is not necessary.

(l) Class 12 - Computer Hardware.

(i) Examples of property in this class include:

(A) data processing equipment;

(B) personal computers;

(C) main frame computers;

(D) computer equipment peripherals;

(E) cad/cam systems; and

(F) copiers.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	62%
[~~07~~]08	46%
[~~06~~]07	21%
[~~05~~]06	9%
[~~04~~]05 and prior	7%

(m) Class 13 - Heavy Equipment.

(i) Examples of property in this class include:

(A) construction equipment;

(B) excavation equipment;

(C) loaders;

(D) batch plants;

(E) snow cats; and

(F) pavement sweepers.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) [~~2009~~]2010 model equipment purchased in [~~2008~~]2009 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~63%~~]56%
[~~07~~]08	[~~59%~~]53%
[~~06~~]07	[~~56%~~]50%
[~~05~~]06	[~~52%~~]46%
[~~04~~]05	[~~49%~~]43%
[~~03~~]04	[~~45%~~]40%
[~~02~~]03	[~~41%~~]37%
[~~01~~]02	[~~38%~~]33%
[~~00~~]01	[~~34%~~]30%
[~~99~~]00	[~~31%~~]27%
[~~98~~]99	[~~27%~~]24%
[~~97~~]98	[~~24%~~]20%
[~~96~~]97	[~~20%~~]17%
[~~95~~]96 and prior	[~~17%~~]14%

(n) Class 14 - Motor Homes.

(i) Taxable value is calculated by applying the percent good against the cost new.

(ii) The [~~2009~~]2010 percent good applies to [~~2009~~]2010 models purchased in [~~2008~~]2009.

(iii) Motor homes have a residual taxable value of $1,000.

TABLE 14

Model Year	Percent Good of Cost New
[~~09~~]10	90%
[~~08~~]09	[~~70%~~]60%
[~~07~~]08	[~~67%~~]57%
[~~06~~]07	[63%]54%
[~~05~~]06	[~~59%~~]51%
[~~04~~]05	[~~56%~~]48%
[~~03~~]04	[~~52%~~]45%
[~~02~~]03	[~~49%~~]42%
[~~01~~]02	[~~45%~~]39%
[~~00~~]01	[~~41%~~]36%
[~~99~~]00	[~~38%~~]33%
[~~98~~]99	[~~34%~~]30%
[~~97~~]98	[~~30%~~]27%
[~~96~~]97	[~~27%~~]24%
[~~95~~]96	[~~23%~~]21%
[~~94~~]95	[~~19%~~]18%
[~~93~~]94 and prior	[~~16%~~]14%

(o) Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products. Equipment used in the semiconductor manufacturing industry is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.

(i) Examples of property in this class include:

(A) crystal growing equipment;

(B) die assembly equipment;

(C) wire bonding equipment;

(D) encapsulation equipment;

(E) semiconductor test equipment;

(F) clean room equipment;

(G) chemical and gas systems related to semiconductor manufacturing;

(H) deionized water systems;

(I) electrical systems; and

(J) photo mask and wafer manufacturing dedicated to semiconductor production.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	47%
[~~07~~]08	34%
[~~06~~]07	24%
[~~05~~]06	15%
[~~04~~]05 and prior	6%

(p) Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

(i) Examples of property in this class include:

(A) billboards;

(B) sign towers;

(C) radio towers;

(D) ski lift and tram towers;

(E) non-farm grain elevators; and

(F) bulk storage tanks.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~98%~~]93%
[~~07~~]08	[~~96%~~]92%
[~~06~~]07	[~~94%~~]91%
[~~05~~]06	[~~93%~~]90%
[~~04~~]05	[~~91%~~]89%
[~~03~~]04	[~~90%~~]88%
[~~02~~]03	85%
[~~01~~]02	79%
[~~00~~]01	[~~74%~~]73%
[~~99~~]00	[~~68%~~]67%
[~~98~~]99	61%
[~~97~~]98	55%
[~~96~~]97	49%
[~~95~~]96	[~~43%~~]42%
[~~94~~]95	[~~37%~~]36%
[~~93~~]94	30%
[~~92~~]93	23%
[~~91~~]92	[~~15%~~]16%
[~~90~~]91 and prior	8%

(q) Class 17 - Vessels Equal to or Greater Than 31 Feet in Length.

(i) Examples of property in this class include:

(A) houseboats equal to or greater than 31 feet in length;

(B) sailboats equal to or greater than 31 feet in length; and

(C) yachts equal to or greater than 31 feet in length.

(ii) A vessel, including an outboard motor of the vessel, under 31 feet in length:

(A) is not included in Class 17;

(B) may not be valued using Table 17; and

(C) is subject to an age-based uniform fee under Section 59-2-405.2.

(iii) Taxable value is calculated by applying the percent good factor against the cost new of the property.

(iv) The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

(A) the following publications or valuation methods:

(I) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(II) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or

(III) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:

(aa) the manufacturer's suggested retail price for comparable property; or

(bb) the cost new established for that property by a documented valuation source; or

(B) the documented actual cost of new or used property in this class.

(v) The [~~2009~~]2010 percent good applies to [~~2009~~]2010 models purchased in [~~2008~~]2009.

(vi) Property in this class has a residual taxable value of $1,000.

TABLE 17

Model Year	Percent Good of Cost New
[~~09~~]10	90%
[~~08~~]09	[~~64%~~]63%
[~~07~~]08	[~~62%~~]61%
[~~06~~]07	[~~60%~~]58%
[~~05~~]06	[~~58%~~]56%
[~~04~~]05	[~~56%~~]53%
[~~03~~]04	[~~54%~~]51%
[~~02~~]03	[~~52%~~]48%
[~~01~~]02	[~~50%~~]46%
[~~00~~]01	[~~48%~~]44%
[~~99~~]00	[~~45%~~]41%
[~~98~~]99	[~~43%~~]39%
[~~97~~]98	[~~41%~~]36%
[~~96~~]97	[~~39%~~]34%
[~~95~~]96	[~~37%~~]31%
[~~94~~]95	[~~35%~~]29%
[~~93~~]94	[~~33%~~]26%
[~~92~~]93	[~~31%~~]24%
[~~91~~]92	[~~29%~~]21%
[~~90~~]91	[~~27%~~]19%
[~~89~~]90	[~~25%~~]16%
[~~88~~]89 and prior	[~~23%~~]14%

(r) Class 17a - Vessels Less Than 31 Feet in Length

(i) Because Section 59-2-405.2 subjects vessels less than 31 feet in length to an age-based uniform fee, a percent good schedule is not necessary.

(s) Class 18 - Travel Trailers and Class 18a - Tent Trailers/Truck Campers.

(i) Because Section 59-2-405.2 subjects travel trailers and tent trailers/truck campers to an age-based uniform fee, a percent good schedule is not necessary.

(t) Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

(i) Examples of property in this class include:

(A) oil and gas exploration equipment;

(B) distillation equipment;

(C) wellhead assemblies;

(D) holding and storage facilities;

(E) drill rigs;

(F) reinjection equipment;

(G) metering devices;

(H) cracking equipment;

(I) well-site generators, transformers, and power lines;

(J) equipment sheds;

(K) pumps;

(L) radio telemetry units; and

(M) support and control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~96%~~]91%
[~~07~~]08	[~~92%~~]90%
[~~06~~]07	[~~91%~~]87%
[~~05~~]06	[~~87%~~]85%
[~~04~~]05	[~~85%~~]81%
[~~03~~]04	[~~77%~~]78%
[~~02~~]03	[~~68%~~]69%
[~~01~~]02	[~~59%~~]60%
[~~00~~]01	[~~50%~~]51%
[~~99~~]00	41%
[~~98~~]99	31%
[~~97~~]98	21%
[~~96~~]97 and prior	[~~10%~~]11%

(u) Class 21 - Commercial Trailers.

(i) Examples of property in this class include:

(A) dry freight van trailers;

(B) refrigerated van trailers;

(C) flat bed trailers;

(D) dump trailers;

(E) livestock trailers; and

(F) tank trailers.

(ii) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.

(iii) The [~~2009~~]2010 percent good applies to [~~2009~~]2010 models purchased in [~~2008~~]2009.

(iv) Commercial trailers have a residual taxable value of $1,000.

TABLE 21

Model Year	Percent Good of Cost New
[~~09~~]10	95%
[~~08~~]09	[~~92%~~]91%
[~~07~~]08	86%
[~~06~~]07	[~~81%~~]80%
[~~05~~]06	75%
[~~04~~]05	[~~70%~~]69%
[~~03~~]04	64%
[~~02~~]03	58%
[~~01~~]02	53%
[~~00~~]01	47%
[~~99~~]00	42%
[~~98~~]99	36%
[~~97~~]98	31%
[~~96~~]97	25%
[~~95~~]96	20%
[~~94~~]95	14%
[~~93~~]94 and prior	9%

(v) Class 21a - Other Trailers (Non-Commercial).

(i) Because Section 59-2-405.2 subjects this class of trailers to an age-based uniform fee, a percent good schedule is not necessary.

(w) Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

(i) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

(ii) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary.

(x) Class 22a - Small Motor Vehicles.

(i) Because Section 59-2-405.2 subjects small motor vehicles to an age-based uniform fee, a percent good schedule is not necessary.

(y) Class 23 - Aircraft Required to be Registered With the State.

(i) Because Section 59-2-404 subjects aircraft required to be registered with the state to a statewide uniform fee, a percent good schedule is not necessary.

(z) Class 24 - Leasehold Improvements.

(i) This class includes leasehold improvements to real property installed by a tenant. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:

(A) walls and partitions;

(B) plumbing and roughed-in fixtures;

(C) floor coverings other than carpet;

(D) store fronts;

(E) decoration;

(F) wiring;

(G) suspended or acoustical ceilings;

(H) heating and cooling systems; and

(I) iron or millwork trim.

(ii) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

(iii) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
[~~08~~]09	94%
[~~07~~]08	88%
[~~06~~]07	82%
[~~05~~]06	77%
[~~04~~]05	71%
[~~03~~]04	65%
[~~02~~]03	59%
[~~01~~]02	54%
[~~00~~]01	48%
[~~99~~]00	42%
[~~98~~]99	36%
[~~97~~]98 and prior	30%

(aa) Class 25 - Aircraft Parts Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

(i) Examples of property in this class include:

(A) aircraft parts manufacturing jigs and dies;

(B) aircraft parts manufacturing molds;

(C) aircraft parts manufacturing patterns;

(D) aircraft parts manufacturing taps and gauges;

(E) aircraft parts manufacturing test equipment; and

(F) aircraft parts manufacturing fixtures.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	[~~86%~~]81%
[~~07~~]08	[~~71%~~]70%
[~~06~~]07	[~~57%~~]54%
[~~05~~]06	[~~41%~~]39%
[~~04~~]05	[~~23%~~]21%
[~~03~~]04 and prior	4%

(bb) Class 26 - Personal Watercraft.

(i) Because Section 59-2-405.2 subjects personal watercraft to an age-based uniform fee, a percent good schedule is not necessary.

(cc) Class 27 - Electrical Power Generating Equipment and Fixtures

(i) Examples of property in this class include:

(A) electrical power generators; and

(B) control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 27

Year of Acquisition	Percent Good of Acquisition Cost
[~~08~~]09	97%
[~~07~~]08	95%
[~~06~~]07	92%
[~~05~~]06	90%
[~~04~~]05	87%
[~~03~~]04	84%
[~~02~~]03	82%
[~~01~~]02	79%
[~~00~~]01	77%
[~~99~~]00	74%
[~~98~~]99	71%
[~~97~~]98	69%
[~~96~~]97	66%
[~~95~~]96	64%
[~~94~~]95	61%
[~~93~~]94	58%
[~~92~~]93	56%
[~~91~~]92	53%
[~~90~~]91	51%
[~~89~~]90	48%
[~~88~~]89	45%
[~~87~~]88	43%
[~~86~~]87	40%
[~~85~~]86	38%
[~~84~~]85	35%
[~~83~~]84	32%
[~~82~~]83	30%
[~~81~~]82	27%
[~~80~~]81	25%
[~~79~~]80	22%
[~~78~~]79	19%
[~~77~~]78	17%
[~~76~~]77	14%
[~~75~~]76	12%
[~~74~~]75 and prior	9%

The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, [~~2009~~]2010.

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: [~~March 3~~], 2009
Notice of Continuation: March 12, 2007
Authorizing, and Implemented or Interpreted Law: 59-2-301

Transportation, Motor Carrier
R909-2
Utah Trucking Guide

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 32826
FILED: 07/15/2009, 15:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to adopt, by reference, Chapters 14 through 27, and 29 through 36 of the Utah Trucking Guide. The adoption of these chapters allows the Motor Carrier Division of the Department of Transportation to carry out their charge of regulating commercial motor vehicles engaged in the movement of over dimensional and over weight vehicles.

SUMMARY OF THE RULE OR CHANGE: The rule incorporates by reference Chapters 14 through 27, and 29 through 36 of the Utah Trucking Guide. Rule R909-2 replaces Rule R912-11. Rule R912-11 spelled out the relevant parts of the Utah Trucking Guide. The new rule, Rule R909-2, will incorporate by reference the relevant portions of the Utah Trucking Guide. The Trucking Guide updates the Rule in that the Trucking Guide now uses Road Posts (RP) and land marks as markers for restrictions. The new rule also allows trucks up to 14 feet 6 inches on SR 46 between the Colorado State Line and RP18. A restriction is added for SR 162. New language is included for SR 189 between RP7 and RP21 and SR191 from Vernal, UT, and the Wyoming state line. On SR 261 between RP7 and RP10 all oversize and overweight vehicles and/or loads are prohibited. The new rule will remove restrictions on several other areas around the State. The "Utah Trucking Guide" is available on http://www.utahmc.com/www/TruckingGuide-Web.pdf. (DAR NOTE: The proposed repeal of Rule R912-11 is under DAR No. 32828 in this issue, August 1, 2009, Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-1-102, 72-1-201, and 72-7-408

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: The Utah Trucking Guide, Chapters 14 through 27 and 29 through 36, July 1, 2009 edition

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget.

❖ LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this rule change. No new requirements were created with this rule change that impact local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated for small businesses with this rule change. No new requirements were created with this rule change that impact small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.
R909-2. Utah Trucking Guide.
R909-2-1. Authority.
This rule is enacted under the authority of Sections 72-7-406.

R909-2-2. Applicability.
All commercial motor vehicle operators and motor carriers engaged in the movement of over dimensional and over weight vehicles and loads must comply with permit conditions as specified in the Utah Trucking Guide.

R909-2-3. Adoption of the Utah Trucking Guide.
Permit conditions as specified in July 1, 2009 edition of the Utah Trucking Guide, Chapters 14 thru 27, and 29 thru 36 are hereby incorporated by reference. These changes apply to all private, common, and contract carriers.

R909-2-4. Annual Review of Permit Regulations and Conditions.
(1) During the regularly scheduled Motor Carrier Advisory Board meeting in May of each year, the board will review permit

conditions and regulations as needed. The board is not required to review each of these items every year.

(2) This meeting will provide a forum for interested parties to provide evidence in support of regulation or permit condition modification.

(3) All interested parties must notify the Department of Transportation Motor Carriers Division of these issues by April 1st of each year to ensure placement on the agenda.

(4) Any approved changes to permit conditions or regulations will be noted in the July 1st adoption of the Utah Trucking Guide.

KEY: trucks, safety regulations, permits
Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 72-1-102; 72-1-201; 72-7-406; 72-7-408; 72-9-303; 72-9-701; 72-9-702

♦ ♦

Transportation, Motor Carrier
R909-19
Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32819
FILED: 07/13/2009, 08:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to update the "Maximum Towing Rates" and "Maximum Storage Rates". The rate increases were approved by the Motor Carriers Board and the Rule is being updated to reflect those changes. The Rule incorporates H.B. 112 (2009 General Session), which requires the Department to set a maximum rate a tow truck company can charge to enter towed vehicles information into a database. (DAR NOTE: H.B. 112 (2009) is found at Chapter 167, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: The rates for nonconsent towing and storage rates are updated to reflect the rates approved by the Motor Carrier Board. A maximum rate for an administrative fee is set for data entry as required by H.B. 112 which updates Section 72-9-603. The Rule also updates the several websites where one can find notification procedures and surcharges to determine the average daily per gallon diesel cost.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-9-303, 72-9-701, 72-9-702, and 72-9-603

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget.

❖ LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this rule change. No new requirements were created with this rule change that impact local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated for small businesses with this rule change. A new requirement was allowed in that a tow company can now charge an administrative fee to cover the cost of data entry into the system.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.
R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.
R909-19-2. Applicability.

All tow truck[~~s~~] motor carriers and employees must comply and observe all rules, regulations, traffic laws and guidelines as prescribed by State Law and 49 CFR Part 350 - 399, hereby incorporated by reference in accordance with Sections 41-6a-1404, 41-6a-1405, 41-6a-1406,[~~41-6-104,~~] 72-9-301, 72-9-303, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 72-9-701, 72-9-702, 72-9-703, and 72-9-703, Utah Code.

R909-19-3. Definitions.

(1) "Consent Tow" means any tow truck service that is done at the vehicle, vessel, or outboard motor owner's, or it[~~'~~]s legal operator[~~'s~~], knowledge and/or approv[~~ed~~]al.

(2) "Department" means the Utah Department of Transportation.

(3) "Division" means the Motor Carrier Division.

(4) "Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value

specified by the manufacturer, GVCR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(5) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(6) "Non-Consent Police Generated Tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102.

(7) "Non-consent Non Police Generated Tow" means towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle from private property. The tow truck service must be from private property, at the request of the property landowner or agent for the landowner.

(8) "Personal Property" means articles associated with a person, as property having more or less intimate relation to person, including clothing, medicine, tools, home/family etc. Items not considered as personal property are considered to be the original manufactured equipment, and/or attached property to the vehicle, including tires, rims, vehicle-stereos, speakers, or CD changers and will remain in the vehicle.

(9) "Recovery Operation" means a towing service that may require charges in addition to the normal one-truck/one-driver towing service requirements. The additional charges may include charges for manpower, extra equipment, traffic control, and special recovery equipment and supplies.

(10) "Tow Truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, repossessed or impounded vehicles from highway or other place by means of a crane, hoist, tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.

(11) "Tow Truck Certification Program" means a program to authorize and approve tow truck motor carrier owners, operators, and vehicles is the process by which the Department, acting under Section 72-9-602, Utah Code, shall verify compliance with the State and Federal Motor Carriers Safety Regulations.

(12) "Tow Truck Motor Carrier" means any company that provides for-hire, private, salvage, or repo towing services. It includes the company's agents, officers, and representatives as well as employees responsible for hiring, training, supervisory, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of equipment and/or accessories.

(13) "Tow Truck Service" means the functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.

(a) Tow Truck Service, with regards to authorized towing fees, is determined by the type and size of the towed vehicle, not the type and size of the tow truck performing the service.

(b) Tow Vehicle Classifications will be used when determining authorized fees. Information regarding the (GVWR) to determine classification category of towed vehicle can be found on the identification plate on the vehicle driver side doorframe. Towed vehicle classifications are as follows:

(1) "Light Duty" means any towed vehicle with a (GVWR) 10,000 pounds or less;

(2) "Medium Duty" means any towed vehicle with a (GVWR) between 10,001 and 26,000 pounds;

(3) "Heavy Duty" means any towed vehicle with a (GVWR) or (GCWR) 26,001 pounds and greater.

(14) "Tow Truck Motor Carrier Steering Committee" means a committee established by the Motor Carrier Division and will include enforcement personnel, industry representatives and other persons as deemed necessary.

R909-19-5. Insurance.

[~~All tow trucks will be required to carry at least $750,000 of insurance minimum liability plus the MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers. Evidence of required insurance will be maintained at the principal place of business and made available to the Department and/or investigator upon request and prior to tow truck carrier certification. The Tax Commission requires all Tow Yards to carry insurance on stored vehicles.~~](1) Non-consent police generated tows are required to maintain at least $750,000 of insurance minimum liability.

(2) Tow Truck Motor Carriers performing non-consent non-police generated tows and consent tows are required to maintain at least $1,000,000 of insurance minimum liability plus the MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers.

(3) Evidence of required insurance will be maintained at the principal place of business and made available to the Department and/or Investigator upon request and prior to the Tow Truck Motor Carrier certification.

R909-19-8. Requirement for Tow Truck Motor Carriers to input required information for Government and Public Notification.

[~~All Tow Truck Motor Carriers must follow notification procedures as required by 72-9-603 and input required information in electronic form on the Department's website, at www.tow.utah.gov.~~](1) All non-consent police generated and non-consent non-police generated tows conducted by Tow Truck Motor Carriers must input required information in electronic form on the Division of Motor Vehicles Utah State Tax Commission's website, at "https://secure.utah.gov/ivs/ivs" as required by 41-6a-1406(11).

(2) Tow Truck Motor Carriers may charge an administrative fee up to but not exceeding $5.00 per vehicle notification for reporting non-consent tows to the Department of Motor Vehicles.

R909-19-9. Certification.

There are three (3) required certification requirements required by the Department, they are as follows:

(1) Tow Truck Driver Certification:

(a) Effective July 1, 2004 all tow truck drivers will be tested and certified in accordance with National Driver Certification Procedure (NDCP) standards. These standards of conduct and proficiency may be tested and certified through:

(i) Towing and Recovery Association of America (TRAA) Testing Program;

(ii) Wreckmaster Certification Program;

(iii) AAA Certification Program

(iv) Other driver testing certification programs may be approved by the Department to meet certification requirements however; the Tow Truck Motor Carrier must obtain prior approval in writing from the Motor Carrier Division Administrator or Division representative by calling (801) 965-4[~~559~~]892.

(b) Information on the above mentioned certification programs may be obtained by contacting the Motor Carrier Division at (801) 965-4559.

(c) Tow Truck Motor Carriers shall ensure that all driver's are:

(i) Properly trained to operate tow truck equipment;

(ii) Licensed, as required under UCA 53-3-101,et al. Uniform Driver License Act; and

(iii) Property certified.

(2) Tow Truck Vehicle Certification:

(a) All tow trucks shall be inspected and certified biannually;

(b) All tow trucks must be equipped with required safety equipment. Safety Equipment List can be found at http://www.udot.utah.gov/index.php/m=c/tid=396 or by calling 801-965-3871.

(c) Upon certification of vehicle a UDOT safety sticker will be issued and shall be affixed on the driver's side rear window.

(d) Documentation of UDOT tow truck vehicle[~~s~~] inspection certification shall be kept in the vehicle file and available upon request by Department personnel.

(3) Tow Truck Motor Carrier Certification:

(a) Tow Truck Motor Carriers shall be certified biannually to ensure compliance as required by the Federal Motor Carrier Safety Regulations, Utah Code Annotated, and local laws where applicable.

R909-19-11. [~~Certification from a Qualified Training Facility.~~]Information Required on Towing Receipt.

Charges for services provided must be clearly reflected on a company receipt and a copy shall be provided to the customer. The receipt must include the following information:

(a) company name;

(b) address;

(c) phone number;

(d) transportation and storage fees charged;

(e) name of company driver;

(f) unit number;

(g) license plate of the towed vehicle;

(h) make, model, and year of the towed unit, and;

(i) start and end time for services provided.

R909-19-12. Maximum Towing Rates. Non-Consent Police Generated Tows.

(1) $[~~121~~]145 per hour, per unit, when towing a "Light Duty" vehicle;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.[~~and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.~~]

(2) $[~~200~~]240 per hour, per unit, when towing a "Medium Duty" vehicle;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.[~~and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.~~]

(3) $[~~250~~]300 per hour, per unit, when towing a "Heavy Duty" vehicle;

(a) An additional 15% per hour may be charged if the towed vehicle is used in the transport transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.[~~and the tow truck operator is hazardous material certified as outlined in the Utah Regulations for Towing Operations and Certification Manual.~~]

(4) If a tow truck apparatus is mechanically connected to a vehicle, the tow truck will therefore be in possession of the vehicle.

(a) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle, which is in question, is attempting to retrieve said vehicle before the tow truck is mechanically connected, no fee(s) will be charged to the vehicle owner.

(b) If the owner, authorized operator, or authorized agent of the owner of the vehicle, which is in question, is attempting to retrieve said vehicle before the vehicle is removed from the property or scene, the maximum fee shall not exceed 50% of the posted rate schedule.

(5) As fuel increases .50 per gallon from the base rate of $[~~2~~]3.00, a surcharge shall be allowed of 10% of the base rate. Conversely, if prices drop, they will decrease by the same amount.

(a) To determine the average daily per gallon diesel cost please refer to "http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp"

[~~TABLE~~

~~(a) Fuel Surcharge~~

~~Fuel Cost~~	~~Surcharge~~
~~$2~~	~~0%~~
~~$2.50~~	~~10%~~
~~$3~~	~~20%~~
~~$3.50~~	~~30%~~
~~$4~~	~~40%~~
~~$4.5~~	~~50%~~
~~$5~~	~~60%~~

~~etc.~~

] (6) Recovery charges, as defined by R909-19-3, shall be coordinated with the towed vehicle owner prior to initiating the additional charges relating the recovery operation. Coordination with the towed vehicle owner should result in an agreement between the tow vehicle owner and Tow Truck Motor Carrier.

(7) Pursuant to Utah Code Ann. Section 72-9-603 it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-303.

(8) Tow Truck Motor Carriers shall obey all local city and county laws, when applicable, pertaining to placement of signs, notification, and other towing related ordinances. Tow Truck Lighting 41-6a-161. Strobe lights are not allowed on Tow Trucks. The acceptable light colors are orange and yellow.

R909-19-13. Maximum Non-Consent [~~Impoundment Rates~~]Non Police Generated Towing Rate.

(1) The maximum rate for a "Light Duty" vehicle is $[~~110~~]121 per tow.

(2) The maximum rate for a "Medium Duty" vehicles is $200 per tow.

(3) The maximum rate for a "Heavy Duty" vehicle is $250 per tow.

(4) If a tow truck apparatus is mechanically connected to a vehicle, the tow truck will therefore be in possession of the vehicle.

(a) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle, which is in question, is attempting to retrieve said vehicle before the tow truck is mechanically connected, no fee(s) will be charged to the vehicle owner.

(b) If the owner, authorized operator, or authorized agent of the owner of the vehicle, which is in question, is attempting to retrieve said vehicle before the vehicle is removed from the property or scene, the maximum fee shall not exceed 50% of the posted rate schedule.

(5) Pursuant to Utah Code Ann. Section 72-9-603, it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-303.

(6) Tow Truck Motor Carriers shall obey all local city and county laws, when applicable, pertaining to placement of signs, notification, and other towing related ordinances.

R909-19-14. Maximum Storage Rates. Non-Consent Tows.

(1) $[~~15~~]25 Maximum per day, per unit, for outside storage of "Light Duty" vehicles;

(2) $[~~20~~]30 Maximum per day, per unit may be charged for inside storage of "Light Duty" vehicles only at the owner's request, or at the order of a law enforcement agency or highway authority.

(3) $[~~35~~]45 Maximum per day, per unit for outside storage of "Medium/Heavy Duty" vehicles;

(4) $70 Maximum per day, per unit may be charged for inside storage of "Medium/Heavy Duty" vehicles only at the owner's request, or at the order of a law enforcement agency or highway authority.

(5) $100 Maximum per day, per unit for outside storage of vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(6) $150 Maximum per day, per unit may be charged for inside storage of vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F, only at the owner's request, or at the order of a law enforcement agency or highway authority.

(7) Pursuant to Utah Code Ann. Section 72-9-603, it is illegal for a Tow Truck Motor Carrier to require the owner of an impounded vehicle to pay any money other than the appropriate amount listed in this rule. Any tow truck service charging more than the maximum approved rates may be assessed civil penalties determined by the Department, as authorized under Section 72-9-303.

(8) For the purpose of calculating storage rates, if the first six (6) hours of storage for a vehicle includes more than one day, the authorized storage fee is only the charge for one day.

KEY: safety regulations, trucks, towing, certifications
Date of Enactment or Last Substantive Amendment: [~~February 12, 2008~~]2009
Notice of Continuation: September 25, 2006
Authorizing, and Implemented or Interpreted Law: 41-6a-1404; 41-6a-1405; 41-6-104; 53-1-106; 53-8-105; 63J-1-303; 72-9-601; 72-9-602; 72-9-603; 72-9-604; 72-9-301; 72-9-303; 72-9-701; 72-9-702; 72-9-703

♦ ♦

Transportation, Motor Carrier
R909-75
Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32827
FILED: 07/15/2009, 15:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to update the current edition of the Code of Federal Regulations (CFR). The rule incorporates the CFR. The Federal Government has issued a new edition and the change reflects the issuing of the new edition.

SUMMARY OF THE RULE OR CHANGE: The change reflects the new CFR issued by the Federal Government. The following is a summary by section of the major changes made in this final rule. The summary does not include minor editorial corrections such as punctuation errors, or similar minnow revisions. Part 171, Section 171.3: This section prescribes requirements for transporting hazardous waste under the Hazardous Materials Regulations (HMR). Paragraph (b)(1) requires each motor vehicle to be marked in accordance with 49 CFR 390.21 and 1058.2. Because Section 1058.2 no longer exists, in this final rule the Pipeline Hazardous Materials Safety Administration (PHMSA) removes this reference in paragraph (b)(1). Section 171.7 Paragraph (a) of Section 171.7 lists materials incorporated by reference into the HMR. In paragraph (a)(3), PHMSA corrects the mailing address for the American Pyrotechnic Association. Paragraph (b) of Section 171.7 lists information materials that are not incorporated by reference. In a final rule published on 01/28/2008 (Docket No. 05-21812 (HM-218D), 73 FR 4699, effective October 1, 2008), PHMSA adds in paragraph (b) an entry for the Compressed Gas Association's (CGA) publication, CGA C-1.1 in Section 171.7(b). A new paragraph (g)(6) in Section 180.205 listed CGA C-1.1 as an example of training material that may be used by persons who requalify cylinders using the volumetric expansion test method. Following the publication of the HM-215D final rule, PHMSA received an appeal from Hydro-Test (PHMSA-2005-21812-0025) asking to either remove this reference to CGA C-1.1 or add examples of other training materials that may be used. Hydro-Test noted that referencing only the CGA publication in the HMR could suggest that other training materials are not acceptable. PHMSA added CGA C-1.1 as an example of guidance material that may be used to assist requalifiers in setting up their cylinder training procedures and record keeping requirements. The publication is not a standalone tool for training persons on how to perform requalification of cylinders using the volumetric expansion test method. However, to alleviate confusion for cylinder requalifiers, in this final rule, PHMSA removed the new entry for CGA C-1.1 from

Section 171.7(b) and paragraph (g)(6) from Section 180.205. Section 171.8: This section contains definitions for terms used in the HMR. PHMSA inadvertently omitted replacing the name "Diagnostic specimens" with the name "Biological substances, category B" when PHMSA revised the HMR to harmonize its infectious substance requirements with international requirements and removed the name "Diagnostic specimens" under Docket No. PHMSA-2004-16895 (HM-226A; 71 FR 32244, 06/02/2006). In this final rule, PHMSA corrected this oversight. Also, PHMSA revised the definitions for "Elevated temperature material" and "Liquid phase" to specify the metric conversion of 100 deg F as 38 deg C for consistency throughout the HMR and with that specified in the American Society for Testing and Materials (ASTM) Standard ASTM D 4359, "Standard Test Method for Determining whether a Material is a Liquid or a Solid," which the HMR incorporates by reference under Section 171.7. Section 171.23: This section prescribes requirements for specific materials and packaging transported under the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), International Maritime Dangerous Goods Code (IMDG Code), Transport Canada's Transportation of Dangerous Goods Regulations (Transport Canada TDG Regulations), and the International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Material (IAEA Regulations). In this final rule, PHMSA revised paragraph (a)(3)(iii) to correct the reference "(a)(3)" to "(a)(4)". Section 171.25: This section prescribes additional requirements for the use of the IMDG Code under the HMR. In this final rule, PHMSA corrected several inadvertent errors in this section. In paragraph (b)(1), PHMSA revised the regulatory text to clarify that the segregation requirements in Part 7 of the IMDG Code may be utilized for both rail and highway transportation. The rail mode was inadvertently removed in the printing of the HM-215F final rule published on 05/03/2007. PHMSA also corrected the word "subpart" to read "subchapter" in the second sentence of this paragraph, and the reference to "Part 7, Chapter 2", of the IMDG Code to read "Part 7, Chapter 7.2" in the last sentence. In paragraph (b)(2), PHMSA clarifies that the paragraph applies to transportation by vessel. Part 172: In the heading to Part 172, PHMSA added the words "Security Plans" to reflect the security plan requirements in Subpart I of Part 172. Section 172.201: This section prescribes requirements on the preparation and retention of shipping papers. Paragraph (a)(1)(iii) is corrected to clarify the use of the letter "X" to identify hazardous materials on a shipping paper. The clarification allows the letter "X" to be placed in a column titled "HM" appearing before the basic shipping description instead of the proper shipping name of a hazardous material to recognize that the identification number may appear first in the basic shipping description as provided in Section 172.202(b). Section 172.202: This section prescribes requirements for shipping descriptions on shipping papers. In paragraphs (a)(5) and (a)(6)(ii), PHMSA inserted the U.S. standard measurement conversions after the metric measurements for clarity. Section 172.203: This section prescribes additional description requirements for hazardous materials on shipping papers. In this final rule, PHMSA corrected the examples provided in this section as follows: Section PHMSA revised the paragraph (c)(2) to reflect in the example the basic shipping description sequence prescribed in Section 172.202(b), with the UN identification number appearing first, and to correct the example of the basic description for "Allyl alcohol" to state that this material is a Zone B toxic inhalation hazard. Section PHMSA revised the paragraph (d)(1) to correct the spelling of the word "radionuclides" in the second sentence. Section PHMSA revised the paragraph (i)(2), which contains additional shipping paper description requirements for flammable liquids transported by vessel, to reflect a flash point at 60 deg C (140 deg F) in place of 61 deg C for consistency with the provisions contained in 49 CFR 173.120(a) and paragraph 5.4.1.4.3 of the IMDG Code. Section Paragraph (k) requires the use of a technical name with a proper shipping name designated as generic with the letter "G" in Column 1 of the Section 172.101 Table. PHMSA made a minor editorial revision to the last sentence in paragraph (k) and adding two new sentences to refer readers to the definition of "Technical name" in Section 171.8 and to other relevant information in Section 172.301. Section 172.320: This section prescribes the marking requirements for explosive hazardous materials. In paragraph (b), PHMSA corrected the reference to the regulation requiring a product code for commercial explosives from "27 CFR part 55" to read "27 CFR part 555". In addition, PHMSA removed current paragraph (e)(4), which contains an expired transitional provision, and redesignated current paragraph (e)(5) as paragraph (e)(4). Section 172.704: This section prescribes training requirements for hazmat employees. In paragraph (a)(2)(ii), PHMSA revised the reference to "Sections 171.11 and 171.12" to read "authorized by subpart C of part 171 of this subchapter" to be consistent with revisions adopted in the final rule issued under Docket No. PHMSA-2005-24131 (HM-215F, 72 FR 25162, 3/5/07). Part 173 Section 173.21: This section prescribes the hazardous materials and packages that are forbidden in transportation. In this final rule, PHMSA revised paragraph (f)(3) to clearly state that approvals issued by the Bureau of Explosives are no longer valid. Section 173.25: This section prescribes requirements for transporting hazardous materials packages in overpacks. In this final rule, PHMSA removed the second sentence in paragraph (a)(4) because it contains an expired compliance date. Section 173.219: This section prescribes requirements for transporting life-saving appliances and matches. In this final rule, PHMSA amended paragraph (a) by replacing the word "movement" with "shifting" to clarify the devices must be placed in inner packaging that are packed in outer packaging in a manner to prevent the devices from shifting within the outer packaging. Section 173.227: This section prescribes requirements for packaging poisonous-by-inhalation materials, in Division 6.1, Packing Group I, Hazard Zone B. PHMSA revised paragraph (b) to include UN 6HH1 composite packagings with an inner protective plastic drum. This revision was inadvertently omitted in a final rule issued under Docket No. RSPA-04-17036 (HM-215G, 69 FR 76043, 12/20/2004). Section 173.308: This section sets forth requirements for the transportation of lighters. In this final rule, PHMSA revised paragraph (b)(3)(ii) to specify the metric conversion of 100 deg F as 38 deg C for consistency throughout the HMR. Part 175 Section 175.30: This section prescribes requirements for inspecting hazardous materials

shipments aboard an aircraft. A capitalization error is corrected in paragraph (a)(2). In paragraph (a)(3), PHMSA revised the reference to Section 171.11 to read "as authorized by subpart C of part 171 of this subchapter" to be consistent with the revisions adopted under HM-215F. Part 176 Section 176.83: This section prescribes segregation requirements for hazardous materials transported by vessel. In this final rule, PHMSA revised paragraph (b) to clarify that although Column 1 of Table Section 176.83(b) is titled "Class", it also lists certain hazard class divisions. Part 178 Section 178.36: This section contains the design and manufacture requirements for DOT 3A and 3AX seamless steel cylinders. In paragraph (a)(2), PHMSA corrected the wording "seamless stainless steel cylinder" to remove the word stainless, and in the first sentence in paragraph (f), the wording "service pressure less than 900 pounds" to read "service pressure less than 900 psig". Section 178.275: This section prescribes design and manufacture standards for UN portable tanks intended for the transportation of liquid and solid hazardous materials. In the HM-215G final rule, paragraph (i)(2), the introductory text was revised to clarify the combined delivery capacity of a UN portable tank's relief system. However, the mandatory language incorrectly stated that paragraph (i)(2) was revised. As a result, all the vent capacity formulas and tables referenced in the paragraph were removed. PHMSA reinstated paragraphs (i)(2)(i)-(iv) in this final rule. In addition, in paragraph (d)(3), the reference to "(c)(2)" is corrected to read "(d)(2)". Section 178.605: This section prescribes the hydrostatic test requirements for nonbulk UN standard packagings. In this final rule, PHMSA relocated the last sentence in paragraph (d)(3) requiring the performance of a pressure test on packagings intended to contain Packing Group I hazardous materials at a minimum test pressure of 250 kPa (36 psig) to paragraph (d) introductory text, preceding the list of methods contained in paragraphs (d)(1)-(d)(3). PHMSA made this revision to clarify that this pressure test requirement applies regardless of the method chosen to determine the pressure. Part 179 Section 179.400-18: This section prescribes pressure test requirements for the inner tanks of DOT-113 and DOT-107A cryogenic liquid tank car tanks and seamless steel tanks. Paragraph (a) is revised to specify the metric conversion of 100 deg F as 38 deg C for consistency throughout the HMR. Part 180 Section 180.209: This section prescribes requirements for the periodic requalification of DOT specification cylinders. PHMSA revised paragraph (l) introductory text to change "Section 171.12a" to correctly reference Sections 171.12(a) and 171.23(a), and paragraph (l)(2) to correctly reference certain export requirements contained in Section 171.23(a)(4).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-9-303, 72-9-701, and 72-9-702

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 49 CFR, Sub-Chapter C, Parts 100 through 180, of the October 1, 2008 edition of the Federal Register

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change that will impact the state budget.

❖ LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this rule change. No new requirements were created with this rule change that will impact local governments.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated for small businesses with this rule change. No new requirements were created with this change that will impact small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

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

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: John R. Njord, Executive Director

R909. Transportation, Motor Carrier.

R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.

R909-75-1. Adoption of Federal Regulations.

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, Parts 100 through 180, of the [~~January 7, 2008 (Volume 73, Number 4)~~]October 1, 2008 edition of the Federal Register, are incorporated by reference. These changes apply to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulations

Date of Enactment or Last Substantive Amendment: [~~February 8, 2007~~]2009

Notice of Continuation: November 29, 2006
Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104

Transportation, Motor Carrier, Ports of Entry
R912-11
Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 32828
FILED: 07/15/2009, 15:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule being repealed is to prevent a duplicate rule. A new rule is being adopted which makes this rule repetitive. In order to avoid any conflict, this rule will be repealed.

SUMMARY OF THE RULE OR CHANGE: The rule is being repealed in its entirety and replaced by new Rule R909-2. (DAR NOTE: The proposed new Rule R909-2 is under DAR No. 32826 in this issue, August 1, 2009, of the Bulletin.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 72-1-102, 72-1-201, and 72-7-408

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: No cost or savings are anticipated with this rule change. No new requirements were created with this rule change which will impact the state budget.
- LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this rule repeal. No new requirements were created with this rule change that impact local governments.
- SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: No cost or savings are anticipated for small businesses with this rule repeal. No new requirements are created with this repeal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings are anticipated for compliance of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule should have no fiscal impact on businesses. John Njord, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
MOTOR CARRIER, PORTS OF ENTRY
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Maureen Short at the above address, by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at maureenshort@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 08/31/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2009

AUTHORIZED BY: John R. Njord, Executive Director

R912. Transportation, Motor Carrier, Ports of Entry.
~~**[R912-11. Overweight and/or Oversize Permitted Vehicle Restrictions on Certain Highways Throughout the State of Utah.**~~
~~**R912-11-1. Purpose.**~~
~~The purpose of this rule is to ensure safety for the commercial/specialized carrier industry and the general motoring public by clearly defining oversize and/or overweight permitted vehicle restrictions, including certified pilot/escort vehicle requirements, for certain highways throughout the State of Utah. These highways present hazards above and beyond the typical highway due to sight distance, curvatures, significant grades and other geometric conditions.~~

~~**R912-11-2. Exceptions.**~~
~~(1) The Department may grant written authorization for vehicles engaged in public works projects with an origin or destination within the restricted portion of the highways listed below.~~
~~(2) Longer Combination Vehicles (LCVs) are exempt from additional pilot/escort vehicle requirements.~~
~~(3) The Department may grant temporary waivers to highway prohibitions provided additional police and/or certified pilot/escort vehicles are required. Other safety measures (i.e., road closure, utility vehicle escorts, time of day limitations, etc.) may be required before a waiver is granted.~~

~~**R912-11-3. State Route 6 from the Nevada/Utah State Line to Delta.**~~
~~Vehicles or loads exceeding 14 feet 6 inches in width must have authorization from the UDOT, Motor Carrier Division. This authorization can be obtained by calling (801) 965-4508.~~

~~**R912-11-4. State Route 9 from Hurricane (Reference Post 10) to La Verkin (Reference Post 13).**~~
~~Vehicles or loads exceeding 12 feet in width require two certified pilot/escort vehicles.~~

~~**R912-11-5. State Route 9 from the Junction of State Route 17 Eastbound to Zion National Park and from State Route 89 West to Zion National Park.**~~
~~(1) Vehicles/loads exceeding 8 feet 6 inches in width requires one certified pilot/escort vehicle.~~
~~(2) Vehicles/loads exceeding 10 feet in width require two certified pilot/escort vehicles.~~

~~(3) Vehicles/loads exceeding 14 feet in width require, in addition to certified pilot/escort vehicles, two police escorts.~~
~~(4) Commercial vehicles, regardless of dimensions, are prohibited through Zion National Park.~~

~~R912-11-6. State Route 12 Between the Junctions of State Route 89 and State Route 24 (near Torrey, Utah).~~
~~(1) Vehicles/loads exceeding 10 feet in width require one certified pilot/escort vehicle.~~
~~(2) Vehicles/loads exceeding 12 feet in width require two certified pilot/escort vehicles.~~
~~(3) Vehicles/loads exceeding 14 feet in width require, in addition to certified pilot/escort vehicles, two police escorts.~~

~~R912-11-7. State Route 14 Between Reference Post 2 and Reference Post 19.~~
~~(1) Vehicles/loads exceeding 8 feet 6 inches in width require one certified pilot/escort vehicle.~~
~~(2) Vehicles/loads exceeding 10 feet in width require two certified pilot/escort vehicles.~~
~~(3) Vehicles/loads exceeding 12 feet in width are prohibited.~~

~~R912-11-8. State Route 17 Between Interstate 15 (RP 0) and La Verkin (RP 6.07).~~
~~(1) Vehicles or loads exceeding 10 feet in width require one certified pilot/escort vehicle.~~
~~(2) Vehicles or loads exceeding 12 feet in width require two certified pilot/escorts vehicles.~~

~~R912-11-9. State Route 20 Between Interstate 15 (RP 0) and State Route 89 (RP 21).~~
~~Vehicles or loads exceeding 10 feet in width and 75 feet in length require one certified pilot/escort vehicle.~~

~~R912-11-10. State Route 24 Between State Route 12 (Torrey) and State Routes 24 and 95 (Hanksville).~~
~~(1) Vehicles or loads exceeding 10 feet in width require one certified pilot/escort vehicle.~~
~~(2) Vehicles or loads exceeding 12 feet in width require two certified pilot/escort vehicles.~~

~~R912-11-11. State Route 29 Between Orangeville and Joe's Valley Reservoir.~~
~~Vehicles or loads exceeding 95 feet in length or 10 feet in width require two certified pilot/escort vehicles.~~

~~R912-11-12. State Route 31 West of Electric Lake Between RP 22 and RP 0.~~
~~(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort Vehicle.~~
~~(2) Vehicles or loads exceeding 12 feet in width are prohibited.~~

~~R912-11-13. State Route 39 Between State Route 203 (Harrison Blvd at RP 9) and Pineview Reservoir.~~
~~Vehicles or loads exceeding 10 feet in width are prohibited.~~

~~R912-11-14. State Route 39 Between Pineview Reservoir and State Route 16 (Woodruff at RP 67).~~
~~Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require two certified pilot/escort vehicles.~~

~~R912-11-15. State Route 43 and 44 Between Wyoming (RP 0) and State Route 191 (RP 28).~~
~~Vehicles or loads exceeding 95 feet in length require two certified pilot/escort vehicles.~~

~~R912-11-16. State Route 46 Between the Colorado State line and RP 18.~~
~~(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort vehicle.~~
~~(2) Vehicles or loads exceeding 12 feet in width and/or 110 feet in length are prohibited.~~

~~R912-11-17. State Route 56 Between Cedar City (RP 61) and the Nevada State Line (RP 0).~~
~~(1) Vehicles or loads exceeding 12 feet in width require one certified pilot/escort vehicle.~~
~~(2) Vehicles or loads exceeding 14 feet in width require two certified pilot/escort vehicles.~~

~~R912-11-18. State Route 59 Between RP 19 and RP 23 (Hurricane Hill).~~
~~(1) Vehicles or loads exceeding 12 feet in width and/or 85 feet in length require one certified pilot/escort vehicle.~~
~~(2) Vehicles or loads exceeding 14 feet in width and/or 95 feet in length require two certified pilot/escort vehicles.~~
~~(3) Vehicles or loads exceeding 14 feet 6 inches in width must have authorization from the UDOT, Motor Carrier Division. This authorization can be obtained by calling (801) 965-4508.~~

~~R912-11-19. State Route 65 Between Interstate 80 and Interstate 84.~~
~~Vehicles or loads exceeding 80,000 pounds GVW are prohibited.~~

~~R912-11-20. State Route 66 Between State 65 and Interstate 84.~~
~~Vehicles or loads exceeding 80,000 pounds GVW are prohibited.~~

~~R912-11-21. Logan Canyon Between RP 373 and RP 415.~~
~~(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort vehicle.~~
~~(2) Vehicles or loads exceeding 12 feet in width are prohibited.~~

~~R912-11-22. State Route 89 Between Kanab and Interstate 70.~~
~~Vehicles or loads exceeding 10 feet in width and 75 feet in length require one certified pilot/escort vehicle.~~

~~R912-11-23. State Route 92 Between Highway 189 (Provo Canyon) and the Sundance Ski Resort.~~
~~All oversize loads require two certified pilot/escort vehicles and two police escort vehicles.~~

~~R912-11-24. State Route 128 Between Interstate 70 and State Route 191 (RP 0 - RP 42).~~
~~All oversize and vehicles or loads exceeding 55,000 pounds GVW are prohibited.~~

~~R912-11-25. State Route 143 Between RP 3 and RP 20 (Brian Head).~~
~~(1) Vehicles or loads exceeding 8 feet 6 inches in width require one certified pilot/escort vehicle.~~

(2) Vehicles or loads exceeding 10 feet in width require two certified pilot/escort vehicles.
(3) Vehicles or loads exceeding 12 feet in width and 65 feet in length are prohibited.

R912-11-26. State Route 150 Between Utah/Wyoming Border and State Route 32 in Kamas, Utah.
Vehicles or loads exceeding 80,000 pounds GVW are prohibited.

R912-11-27. State Route 153 Between RP 9 to RP 20 (Elk Meadows).
(1) Vehicles or loads exceeding 8 feet 6 inches in width require one certified pilot/escort vehicle.
(2) Vehicles or loads exceeding 10 feet in width and 65 feet in length are prohibited.

R912-11-28. State Route 189 (Provo Canyon) Between RP 7 (SR-52) and RP 21 (Wallsburg Junction).
All oversize vehicles, including trailers exceeding 48 feet in length, are prohibited.

R912-11-29. State Route 190 (Big Cottonwood Canyon) Between Interstate 215 at Knudsen's Corner and the Salt Lake/Wasatch County Line.
(1) Vehicles or loads exceeding 9 feet in width and/or 65 feet in length require one certified pilot/escort vehicle.
(2) Vehicle or loads exceeding 10 feet in width and/or 80 feet in length require two certified pilot/escort vehicles.
(3) Vehicles or loads exceeding 12 feet in width are prohibited unless otherwise authorized in accordance with R912-11-1 (a).

R912-11-30. State Route 191 (Indian Canyon) Between State Routes 6 and 40.
(1) Vehicles or loads exceeding 95 feet in length require two certified pilot/escort vehicles.
(2) Vehicles or loads exceeding 15 feet in width require two police escorts in addition to certified pilot/escort vehicles.

R912-11-31. State Route 191 Between Vernal, Utah and the Wyoming State Line.
Vehicles or loads exceeding 95 feet in length require two certified pilot/escort vehicles.

R912-11-32. State Route 191 Between La Sal Junction and the Grand/San Juan County Line.
Vehicles or loads exceeding 15 feet in width require two police escorts.

R912-11-33. State Route 196 Between Interstate 80 and Dugway, Utah.
Vehicles or loads exceeding 80,000 pounds GVW are prohibited.

R912-11-34. State Route 210 (Little Cottonwood Canyon) Between State Route 190 and Alta, Utah.
(1) Vehicles or loads exceeding 9 feet in width and/or 65 feet in length require one certified pilot/escort vehicle.
(2) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require two certified pilot/escort vehicles.
(3) Vehicles or loads exceeding 12 feet in width are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-35. State Route 211 Between State Route 191 and Canyon Lands.
(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort vehicle.
(2) Vehicles or loads exceeding 12 feet in width are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-36. State Route 226 Between State Route 39 and Snow Basin (RP 8).
All oversize loads require two certified pilot/escort vehicles.

R912-11-37. State Route 261 Between RP 7 and 10 (Moki Dugway).
Vehicles or loads exceeding 55,000 pounds GVW are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-38. State Route 262.
(1) Between Montezuma Creek and Aneth, vehicles or loads exceeding 95 feet in length require two certified pilot/escort vehicles.
(2) Between Reference Posts 15 and 17, north of Montezuma Creek, vehicles or loads exceeding 55,000 pounds GVW are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-39. State Route 264 Between State Routes 31 and 96.
(1) Vehicles or loads exceeding 10 feet in width and/or 80 feet in length require one certified pilot/escort vehicle.
(2) Vehicles or loads exceeding 12 feet in width and/or 110 feet in length are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-40. Emigration Canyon Between the Wasatch Drive/Sunnyside Ave. Junction and State Route 65.
(1) Vehicles or loads exceeding 9 feet in width and/or 65 feet in length require one certified pilot/escort vehicle.
(2) Vehicles exceeding 10 feet in width and/or 80 feet in length require two certified pilot/escort vehicles.
(3) Vehicles or loads exceeding 12 feet in width are prohibited unless otherwise authorized in accordance with R912-11-1(a).

R912-11-41. 6200 South, Salt Lake City, Between Redwood Road and Bangerter Highway.
All commercial vehicles are prohibited.

KEY: trucks, safety regulations, permits
Date of Enactment or Last Substantive Amendment: February 8, 2006
Authorizing, and Implemented or Interpreted Law: 72-1-102; 72-1-201; 72-7-408]

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 Section 63G-3-305.

Environmental Quality, Air Quality
R307-101
General Requirements

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32783
FILED: 07/02/2009, 09:04

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources...." Rule R307-101 includes definitions used throughout all the rules contained in Title R307 that are written under Section 19-2-104. Without these definitions, the remaining rules would be unenforceable.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Rule R307-101 was amended twice since the last five-year review. No comments were received on either amendment (DAR No. 32351 and DAR No. 32458), nor have any other comments been received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section R307-101-2 includes all the definitions that apply throughout all the rules contained in Title R307. Without them, the remaining rules would be unenforceable, so this rule should be continued. In addition, Rule R307-101 is also a component of Utah's State Implementation Plan, which has been federally approved.

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:
Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

EFFECTIVE: 07/02/2009

♦ ♦

Workforce Services, Unemployment Insurance
R994-309
Nonprofit Organizations

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32802
FILED: 07/08/2009, 15:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

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 comments since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to explain the procedure for how nonprofit organizations choose status as contributory or reimbursable employer and how to file reports. Therefore, this rule should be continued.

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

WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 07/08/2009

♦ ——— ♦

Workforce Services, Unemployment Insurance
R994-310
Coverage

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 32803
FILED: 07/08/2009, 15:19

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 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

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 since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule explains how and when agricultural, domestic, and nonprofit employers can elect coverage and inactivate coverage. Therefore, this rule should be continued.

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

WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 07/08/2009

♦ ——— ♦

Workforce Services, Unemployment Insurance
R994-311
Governmental Units and Indian Tribes

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 32804
FILED: 07/08/2009, 15:23

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 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

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 comments since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to describe when and how governmental units and Indian tribes can elect contributory or reimbursable coverage and how those employers pay unemployment benefits if reimbursable coverage is chosen. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 07/08/2009

♦ ♦

Workforce Services, Unemployment Insurance
R994-312
Employing Units Records

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 32805
FILED: 07/08/2009, 15:27

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 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act.

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 during the last five-year review period.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to explain and describe how employer records are kept confidential and when the Department can release those records under state law. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 07/08/2009

♦ ♦

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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63G-3-301(9).

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce
Occupational and Professional Licensing
No. 32653 (AMD): R156-5a. Podiatric Physician Licensing Act Rule.
Published: June 1, 2009
Effective: July 9, 2009

No. 32661 (AMD): R156-17b. Pharmacy Practice Act Rule.
Published: June 1, 2009
Effective: July 9, 2009

No. 32652 (AMD): R156-20a. Environmental Health Scientist Act Rules.
Published: June 1, 2009
Effective: July 9, 2009

No. 32662 (AMD): R156-31b. Nurse Practice Act Rule.
Published: June 1, 2009
Effective: July 9, 2009

No. 32655 (AMD): R156-69. Dentist and Dental Hygienist Practice Act Rule.
Published: June 1, 2009
Effective: July 9, 2009

Crime Victim Reparations
Administration
No. 32673 (AMD): R270-1. Award and Reparation Standards.
Published: June 1, 2009
Effective: July 8, 2009

Environmental Quality
Air Quality
No. 32458 (AMD): R307-101-2. Definitions.
Published: April 15, 2009
Effective: July 2, 2009

Health
Epidemiology and Laboratory Services, Environmental Services
No. 32393 (NEW): R392-303. Public Geothermal Pools and Bathing Places.
Published: March 15, 2009
Effective: July 13, 2009

Health Systems Improvement, Emergency Medical Services
No. 32618 (AMD): R426-6. Emergency Medical Services Competitive Grants Program Rules.
Published: May 15, 2009
Effective: July 9, 2009

No. 32615 (AMD): R426-8. Emergency Medical Services Per Capita Grants Program Rules.
Published: May 15, 2009
Effective: July 8, 2009

Human Services
Recovery Services
No. 32385 (AMD): R527-3. Definitions.
Published: March 15, 2009
Effective: July 13, 2009

No. 32386 (AMD): R527-10. Disclosure of Information to the Office of Recovery Services.
Published: March 15, 2009
Effective: July 13, 2009

No. 32387 (AMD): R527-38. Unenforceable Cases.
Published: March 15, 2009
Effective: July 13, 2009

No. 32388 (AMD): R527-39. Applicant/Recipient Cooperation.
Published: March 15, 2009
Effective: July 13, 2009

No. 32390 (AMD): R527-258. Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program..
Published: March 15, 2009
Effective: July 13, 2009

No. 32391 (AMD): R527-394. Posting Bond or Security.
Published: March 15, 2009
Effective: July 13, 2009

Insurance
Administration
No. 32667 (REP): R590-211. Underinsured Motorist Insurer Notification.
Published: June 1, 2009
Effective: July 8, 2009

No. 32674 (NEW): R590-254. Annual Financial Reporting Rule.
Published: June 1, 2009
Effective: July 8, 2009

Public Safety
Driver License
No. 32587 (AMD): R708-14. Adjudicative Proceedings for Driver License Actions Involving Alcohol and Drugs.
Published: May 15, 2009
Effective: July 6, 2009

Sports Authority (Utah)
Pete Suazo Utah Athletic Commission
No. 32670 (AMD): R859-1-301. Qualifications for Licensure.
Published: June 1, 2009
Effective: July 14, 2009

No. 32671 (AMD): R859-1-501. Promoter's Responsibility in Arranging Contests - Permit Fee, Bond, Restrictions.
Published: June 1, 2009
Effective: July 14, 2009

No. 32669 (AMD): R859-1-802. Martial Arts Contest Weights and Classes.
Published: June 1, 2009
Effective: July 14, 2009

Workforce Services
Employment Development
No. 32672 (AMD): R986-200-239. How to Determine the Amount of the Financial Assistance Payment.
Published: June 1, 2009
Effective: July 8, 2009

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, 2009, including notices of effective date received through July 15, 2009. 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					
Administration					
R13-3	Americans with Disabilities Act Grievance Procedures	32204	AMD	02/26/2009	2009-1/3
R13-3-8	Relationship to Other Laws	32431	NSC	03/26/2009	Not Printed
Facilities Construction and Management					
R23-3	Planning and Programming for Capital Projects	32700	5YR	06/01/2009	2009-12/76
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	32771	EMR	07/01/2009	2009-14/63
R23-29	Across the Board Delegation	32699	5YR	06/01/2009	2009-12/76
R23-29	Across the Board Delegation (5YR EXTENSION)	32399	NSC	06/01/2009	Not Printed
Finance					
R25-5	Payment of Per Diem to Boards	32632	AMD	06/23/2009	2009-10/3
R25-7	Travel-Related Reimbursements for State Employees	32635	AMD	06/23/2009	2009-10/4

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Fleet Operations					
R27-1-2	Definitions	32189	AMD	04/20/2009	2009-1/5
R27-7	Safety and Loss Prevention of State Vehicles	32292	AMD	04/20/2009	2009-3/2
R27-10	Identification Mark for State Motor Vehicles	32291	AMD	04/20/2009	2009-3/4
Fleet Operations, Surplus Property					
R28-2-3	Procedures	32362	AMD	05/11/2009	2009-5/2
Purchasing and General Services					
R33-6	Modification and Termination of Contracts for Supplies and Services (5YR EXTENSION)	31983	NSC	01/29/2009	Not Printed
R33-6	Modification and Termination of Contracts for Supplies and Services	32344	5YR	01/29/2009	2009-4/55
R33-7	Cost Principles (5YR EXTENSION)	31984	NSC	01/29/2009	Not Printed
R33-7	Cost Principles	32345	5YR	01/29/2009	2009-4/55
R33-9	Insurance Procurement (5YR EXTENSION)	31985	NSC	01/29/2009	Not Printed
R33-9	Insurance Procurement	32346	5YR	01/29/2009	2009-4/56
Records Committee					
R35-1-4	Committee Minutes	32355	NSC	02/26/2009	Not Printed
R35-2	Declining Appeal Hearings	32358	NSC	02/26/2009	Not Printed
R35-4	Compliance with State Records Committee Decisions and Orders	32359	NSC	02/26/2009	Not Printed
R35-5	Subpoenas Issued by the Records Committee	32360	NSC	02/26/2009	Not Printed
R35-6	Expedited Hearings	32361	NSC	02/26/2009	Not Printed
Agriculture and Food					
Administration					
R51-1	Public Petitions for Declaratory Rulings	32536	NSC	05/14/2009	Not Printed
R51-3	Government Records Access and Management Act	32573	NSC	05/27/2009	Not Printed
R51-4-1	Authority and Purpose	32537	NSC	05/14/2009	Not Printed
Animal Industry					
R58-17	Aquaculture and Aquatic Animal Health	32199	AMD	02/19/2009	2009-1/7
R58-19-2	Definition of Terms	32693	NSC	06/18/2009	Not Printed
R58-20	Domesticated Elk Hunting Park	32397	5YR	02/23/2009	2009-6/90
R58-20-13	Liability	32692	NSC	06/18/2009	Not Printed
Marketing and Development					
R65-7	Horse Racing	32401	AMD	04/21/2009	2009-6/4
Plant Industry					
R68-2-3	Registration of Products	32031	AMD	02/25/2009	2008-21/4
R68-7	Utah Pesticide Control Act	32332	AMD	03/26/2009	2009-4/4
R68-19-2	Definition of Terms	32516	NSC	05/14/2009	Not Printed
Regulatory Services					
R70-310	Grade A Pasteurized Milk	32742	5YR	06/24/2009	2009-14/82
R70-630	Water Vending Machine	32289	5YR	01/08/2009	2009-3/83
R70-940	Standards and Testing of Motor Fuel	32570	AMD	06/22/2009	2009-10/6
Alcoholic Beverage Control					
Administration					
R81-1	Scope, Definitions, and General Provisions	32222	NSC	01/22/2009	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R81-1-2	Definitions	32542	AMD	06/24/2009	2009-10/7
R81-1-3	General Policies	32544	AMD	06/24/2009	2009-10/9
R81-1-6	Violation Schedule	32414	AMD	04/22/2009	2009-6/15
R81-1-6	Violation Schedule	32459	AMD	05/27/2009	2009-8/5
R81-1-9	Liquor Dispensing Systems	32549	AMD	06/24/2009	2009-10/11
R81-1-11	Multiple-Licensed Facility Storage and Service	32607	NSC	05/27/2009	Not Printed
R81-1-24	Responsible Alcohol Service Plan	32552	AMD	06/24/2009	2009-10/12
R81-1-25	Sexually-Oriented Entertainers and Stage Approvals	32553	AMD	06/24/2009	2009-10/14
R81-1-28	Special Commission Meetings-Fees	32333	AMD	03/24/2009	2009-4/8
R81-2-10	State Store Hours	32608	NSC	05/27/2009	Not Printed
R81-3-13	Operational Restrictions	32554	AMD	06/24/2009	2009-10/15
R81-4A-1	Licensing	32610	NSC	05/27/2009	Not Printed
R81-4A-2	Application	32556	EMR	05/01/2009	2009-10/145
R81-4A-2	Application	32555	AMD	06/24/2009	2009-10/17
R81-4A-10	Table Service	32558	EMR	05/01/2009	2009-10/146
R81-4A-10	Table Service	32557	AMD	06/24/2009	2009-10/17
R81-4A-11	Consumption at Patron's Table	32560	EMR	05/01/2009	2009-10/147
R81-4A-11	Consumption at Patron's Table	32559	AMD	06/24/2009	2009-10/18
R81-4A-14	Brownbagging	32611	NSC	05/27/2009	Not Printed
R81-4A-15	Grandfathered Bar Structures	32562	EMR	05/01/2009	2009-10/148
R81-4A-15	Grandfathered Bar Structures	32561	AMD	06/24/2009	2009-10/19
R81-4B-1	Licensing	32612	NSC	05/27/2009	Not Printed
R81-4C-1	Licensing	32613	NSC	05/27/2009	Not Printed
R81-4C-2	Application	32564	EMR	05/01/2009	2009-10/149
R81-4C-2	Application	32563	AMD	06/24/2009	2009-10/21
R81-4C-9	Table Service	32568	EMR	05/01/2009	2009-10/150
R81-4C-9	Table Service	32567	AMD	06/24/2009	2009-10/21
R81-4C-10	Consumption at Patron's Table	32571	EMR	05/01/2009	2009-10/151
R81-4C-10	Consumption at Patron's Table	32569	AMD	06/24/2009	2009-10/22
R81-4C-13	Grandfathered Bar Structures	32574	EMR	05/01/2009	2009-10/151
R81-4C-13	Grandfathered Bar Structures	32572	AMD	06/24/2009	2009-10/23
R81-4D-1	Licensing	32575	AMD	06/24/2009	2009-10/24
R81-4D-2	Application	32614	NSC	05/27/2009	Not Printed
R81-4D-4	Insurance	32616	NSC	05/27/2009	Not Printed
R81-4D-10	State Label	32577	EMR	05/01/2009	2009-10/153
R81-4D-10	State Label	32576	AMD	06/24/2009	2009-10/26
R81-5-1	Licensing	32578	AMD	06/24/2009	2009-10/27
R81-5-2	Application	32580	AMD	06/24/2009	2009-10/28
R81-5-5	Advertising	32581	AMD	06/24/2009	2009-10/29
R81-5-6	Club Licensee Liquor Order and Return Procedures	32582	AMD	06/24/2009	2009-10/30
R81-5-7	Club License Operating Hours.	32628	AMD	06/24/2009	2009-10/31
R81-5-9	Liquor Storage	32583	AMD	06/24/2009	2009-10/31
R81-5-10	Alcohol Product Flavoring	32584	AMD	06/24/2009	2009-10/32
R81-5-11	Price Lists	32585	AMD	06/24/2009	2009-10/33
R81-5-13	Brownbagging	32588	AMD	06/24/2009	2009-10/34

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R81-5-14	Membership Fees and Monthly Dues	32589	AMD	06/24/2009	2009-10/35
R81-5-15	Minors in Lounge or Bar Areas	32591	AMD	06/24/2009	2009-10/36
R81-5-16	Sexually Oriented Adult Entertainment or Businesses	32599	AMD	06/24/2009	2009-10/37
R81-5-17	Visitor Cards	32600	AMD	06/24/2009	2009-10/38
R81-5-18	Age Verification - Dining and Social Clubs	32606	EMR	05/01/2009	2009-10/154
R81-5-18	Age Verification - Dining and Social Clubs.	32604	AMD	06/24/2009	2009-10/39
R81-10A-1	Licensing	32620	NSC	05/27/2009	Not Printed
R81-10A-7	Draft Beer Sales/Minors on Premises	32624	NSC	05/27/2009	Not Printed
Capitol Preservation Board (State)					
Administration					
R131-2	Capitol Hill Complex Facility Use	32343	AMD	03/26/2009	2009-4/9
R131-13	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	32769	EMR	07/01/2009	2009-14/65
Career Service Review Board					
Administration					
R137-1	Grievance Procedure Rules	32429	NSC	04/07/2009	Not Printed
R137-1-2	Definitions	32286	EMR	01/08/2009	2009-3/77
R137-1-2	Definitions	32287	AMD	05/06/2009	2009-3/5
R137-1-21	The Evidentiary/Step 5 Adjudicatory Procedures	32514	NSC	05/14/2009	Not Printed
R137-1-22	The Board's Appellate/Step 6 Procedures	32288	EMR	01/08/2009	2009-3/79
R137-1-22	The Board's Appellate/Step 6 Procedures	32290	AMD	05/06/2009	2009-3/7
R137-2	Government Records Access and Management Act	32520	NSC	05/14/2009	Not Printed
Commerce					
Consumer Protection					
R152-21	Credit Services Organizations Act Rules	32382	5YR	02/17/2009	2009-5/24
Corporations and Commercial Code					
R154-1-7	Fees	32519	NSC	05/14/2009	Not Printed
R154-100-2	Designation of Informal Adjudicative Proceedings	32518	NSC	05/14/2009	Not Printed
Occupational and Professional Licensing					
R156-1	General Rules of the Division of Occupational and Professional Licensing	32241	AMD	02/24/2009	2009-2/2
R156-5a	Podiatric Physician Licensing Act Rule	32653	AMD	07/09/2009	2009-11/4
R156-17b	Pharmacy Practice Act Rule	32661	AMD	07/09/2009	2009-11/5
R156-20a	Environmental Health Scientist Act Rules	32652	AMD	07/09/2009	2009-11/11
R156-22-102	Definitions	32364	AMD	04/07/2009	2009-5/3
R156-22-305	Inactive Status	32500	NSC	05/14/2009	Not Printed
R156-31b	Nurse Practice Act Rule	32212	AMD	05/01/2009	2009-1/13
R156-31b	Nurse Practice Act Rule	32212	CPR	05/01/2009	2009-6/78
R156-31b	Nurse Practice Act Rule	32662	AMD	07/09/2009	2009-11/14
R156-31b-607	Approved Nursing Education Programs Located Outside of Utah	32365	NSC	02/26/2009	Not Printed
R156-31c	Nurse Licensure Compact Rules	32430	AMD	05/11/2009	2009-7/2
R156-37	Utah Controlled Substances Act Rules	32540	NSC	05/27/2009	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-37-609a	Controlled Substance Database - Reporting Procedure and Format for Submission to the Database for Pharmacies and Pharmacy Groups Selected by the Division for the Real Time Pilot Program	32411	AMD	04/21/2009	2009-6/18
R156-40-302d	Time Limitation for TRT applicants	32236	NSC	01/22/2009	Not Printed
R156-40-302f	Qualifications for Temporary License as a TRS - Supervision Required	32479	NSC	04/14/2009	Not Printed
R156-42a	Occupational Therapy Practice Act Rule	32413	5YR	02/26/2009	2009-6/90
R156-44a	Nurse Midwife Practice Act Rules	32356	5YR	02/05/2009	2009-5/24
R156-46a	Hearing Instrument Specialist Licensing Act Rule	32398	5YR	02/24/2009	2009-6/91
R156-46a-302c	Qualifications for Licensure - Examination Requirements	32235	NSC	01/22/2009	Not Printed
R156-49-304	Temporary Dietitian Certificate - Supervision Required	32478	NSC	04/14/2009	Not Printed
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	32412	AMD	04/21/2009	2009-6/20
R156-55a	Utah Construction Trades Licensing Act Rule	32438	AMD	05/11/2009	2009-7/3
R156-55d-302a	Qualifications for Licensure - Application Requirements	32477	NSC	04/14/2009	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	32001	AMD	01/01/2009	2008-21/9
R156-56-302	Licensure of Inspectors	32476	NSC	04/14/2009	Not Printed
R156-61	Psychologist Licensing Act Rule	32366	5YR	02/10/2009	2009-5/25
R156-63a	Security Personnel Licensing Act Contract Security Rule	32475	NSC	04/14/2009	Not Printed
R156-63a	Security Personnel Licensing Act Contract Security Rule	32708	NSC	06/29/2009	Not Printed
R156-63b	Security Personnel Licensing Act Armored Car Rule	32474	NSC	04/14/2009	Not Printed
R156-63b-503	Administrative Penalties	32709	NSC	06/29/2009	Not Printed
R156-64-302a	Qualifications for Licensure - Application Requirements	32473	NSC	04/14/2009	Not Printed
R156-69	Dentist and Dental Hygienist Practice Act Rule	32655	AMD	07/09/2009	2009-11/17
R156-81	Retired Volunteer Health Care Practitioner Act Rule	32551	NEW	06/22/2009	2009-10/40
Real Estate					
R162-2	Exam and License Application Requirements	32523	AMD	06/22/2009	2009-9/8
R162-2-2	Licensing Procedure	32115	AMD	01/08/2009	2008-22/19
R162-6	Licensee Conduct	32248	AMD	03/02/2009	2009-2/8
R162-7-1	Filing of Complaint	32586	AMD	06/22/2009	2009-10/42
R162-103	Appraisal Education Requirements	31998	AMD	01/01/2009	2008-21/23
R162-105	Scope of Authority	32396	AMD	06/01/2009	2009-6/21
R162-201	Residential Mortgage Definitions	32694	5YR	05/27/2009	2009-12/77
R162-202	Initial Application	32517	AMD	06/22/2009	2009-9/10
R162-204	Residential Mortgage Record Keeping Requirements	32347	AMD	06/01/2009	2009-5/4
R162-204	Residential Mortgage Record Keeping Requirements	32463	NSC	06/01/2009	Not Printed
R162-205-1	Residential Mortgage Unprofessional Conduct	32348	AMD	06/01/2009	2009-5/6
R162-210	Certification of Prelicensing Education Providers	32695	5YR	05/27/2009	2009-12/77
R162-211	Adjusted Licensing Terms	32422	NEW	04/29/2009	2009-6/24
Securities					
R164-15-2	Notice Filings for Rule 506 Offerings	32039	AMD	01/12/2009	2008-21/28

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Community and Culture					
Administration					
R182-1	Government Records Access And Management Act Rules	32493	NSC	05/14/2009	Not Printed
Arts and Museums, Museum Services					
R210-100	Certified Local Museum Designation	32108	NEW	01/01/2009	2008-22/21
History					
R212-1	Adjudicative Proceedings	32243	NSC	01/22/2009	Not Printed
R212-6	State Register for Historic Resources and Archaeological Sites	32244	NSC	01/22/2009	Not Printed
Library					
R223-1	Adjudicative Procedures	32295	NSC	02/05/2009	Not Printed
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	32296	AMD	03/26/2009	2009-3/9
Indian Affairs					
R230-1	Native American Grave Protection and Repatriation	32522	NSC	05/14/2009	Not Printed
Corrections					
Administration					
R251-105	Applicant Qualifications for Employment with Department of Corrections	31997	AMD	02/26/2009	2008-21/31
Crime Victim Reparations					
Administration					
R270-1	Award and Reparation Standards	32673	AMD	07/08/2009	2009-11/21
R270-1-14	Essential Personal Property	32180	AMD	01/21/2009	2008-24/3
R270-1-19	Medical Awards	31950	AMD	01/21/2009	2008-19/13
R270-1-19	Medical Awards	31950	CPR	01/21/2009	2008-24/37
R270-1-21	Three Year Limitation	32377	AMD	06/24/2009	2009-5/7
R270-2	Crime Victim Reparations Adjudicative Proceedings	32196	NSC	01/12/2009	Not Printed
R270-3	ADA Complaint Procedure	32197	NSC	01/12/2009	Not Printed
R270-3	ADA Complaint Procedure	32394	5YR	02/19/2009	2009-6/91
R270-4	Government Records Access and Management Act	32395	5YR	02/19/2009	2009-6/92
Education					
Administration					
R277-101	Public Participation in Utah State Board of Education Decisions	32254	AMD	02/24/2009	2009-2/13
R277-102	Adjudicative Proceedings	32372	5YR	02/13/2009	2009-5/26
R277-105	Recognizing Constitutional Freedoms in the Schools	32648	5YR	05/04/2009	2009-11/56
R277-109-1	Definitions	32139	AMD	01/07/2009	2008-23/2
R277-110-1	Definitions	32140	AMD	01/07/2009	2008-23/2
R277-117	Utah State Board of Education Protected Documents	32255	NEW	02/24/2009	2009-2/15
R277-117-2	Authority and Purpose	32400	NSC	03/14/2009	Not Printed
R277-413	Accreditation of Secondary Schools	32373	5YR	02/13/2009	2009-5/26
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	32374	5YR	02/13/2009	2009-5/26
R277-433	Disposal of Textbooks in the Public Schools	32417	AMD	04/21/2009	2009-6/25

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-437	Student Enrollment Options	32265	5YR	01/05/2009	2009-3/83
R277-438	Dual Enrollment	32649	5YR	05/04/2009	2009-11/56
R277-462	Comprehensive Counseling and Guidance Program	32256	AMD	02/24/2009	2009-2/16
R277-462	Comprehensive Counseling and Guidance Program	32446	AMD	05/08/2009	2009-7/5
R277-464-4	Oversight Monitoring, Evaluation and Reports	32219	NSC	01/22/2009	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	32257	AMD	02/24/2009	2009-2/20
R277-469-3	Use of State Funds for Instructional Materials	32369	NSC	02/26/2009	Not Printed
R277-470-9	Charter School Financial Practices and Training	32566	NSC	05/27/2009	Not Printed
R277-470-12	Charter School Parental Involvement (EXPIRED - Subsections R277-470-12(B) and (C), Legislative Nonreauthorization)	32663	NSC	05/12/2009	Not Printed
R277-473	Testing Procedures	32310	AMD	03/10/2009	2009-3/10
R277-477	Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program	32447	AMD	05/08/2009	2009-7/6
R277-484	Data Standards	32448	AMD	05/08/2009	2009-7/10
R277-486	Professional Staff Cost Program	32266	5YR	01/05/2009	2009-3/84
R277-491	School Community Councils	32449	AMD	05/08/2009	2009-7/13
R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32220	NSC	01/22/2009	Not Printed
R277-494-3	Requirements for Payment and Participation Integral to the Schedule	32323	NSC	02/25/2009	Not Printed
R277-495	Required Policies for Electronic Devices in Public Schools	32141	NEW	01/07/2009	2008-23/3
R277-502	Educator Licensing and Data Retention	32142	AMD	01/07/2009	2008-23/5
R277-502-4	License Levels, Procedures, and Periods of Validity	32450	AMD	05/08/2009	2009-7/15
R277-503-4	Licensing Routes	32643	AMD	06/23/2009	2009-10/42
R277-509	Certification of Student Teachers and Interns	32311	AMD	03/10/2009	2009-3/12
R277-510	Educator Licensing - Highly Qualified Assignment	32312	AMD	03/10/2009	2009-3/14
R277-518	Applied Technology Education Licenses	32143	AMD	01/07/2009	2008-23/7
R277-520-1	Definitions	32144	AMD	01/07/2009	2008-23/9
R277-524	Paraprofessional Qualifications	32267	5YR	01/05/2009	2009-3/84
R277-527	International Guest Teachers	32145	NEW	01/07/2009	2008-23/11
R277-527-3	Utah State Board of Education/USOE Responsibilities	32285	NSC	02/05/2009	Not Printed
R277-600	Student Transportation Standards and Procedures	32644	AMD	06/23/2009	2009-10/45
R277-601	Standards for Utah School Buses and Operations	32375	5YR	02/13/2009	2009-5/27
R277-601	Standards for Utah School Buses and Operations	32510	AMD	06/09/2009	2009-9/12
R277-602	Special Needs Scholarships - Funding and Procedures	32645	AMD	06/23/2009	2009-10/48
R277-609-1	Definitions	32221	NSC	01/22/2009	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	32313	AMD	03/10/2009	2009-3/17
R277-701-7	Waivers or Exceptions for Student Requirements	32418	AMD	04/21/2009	2009-6/26
R277-702	Procedures for the Utah General Educational Development Certificate	32511	AMD	06/09/2009	2009-9/13
R277-705	Secondary School Completion and Diplomas	32314	AMD	03/10/2009	2009-3/20
R277-710	International Baccalaureate Programs	32419	AMD	04/21/2009	2009-6/27

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-712	Advanced Placement Programs	32376	5YR	02/13/2009	2009-5/27
R277-717-1	Definitions	32646	AMD	06/23/2009	2009-10/51
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	32268	5YR	01/05/2009	2009-3/85
R277-725	Electronic High School	32509	5YR	04/07/2009	2009-9/50
R277-733	Adult Education Programs	32315	AMD	03/10/2009	2009-3/23
R277-733	Adult Education Programs	32647	AMD	06/23/2009	2009-10/52
R277-735	Corrections Education Programs	32269	5YR	01/05/2009	2009-3/85
R277-911	Secondary Career and Technical Education	32146	AMD	01/07/2009	2008-23/12
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	32650	5YR	05/04/2009	2009-11/57
Rehabilitation					
R280-201	USOR ADA Complaint Procedure	32270	5YR	01/05/2009	2009-3/86
R280-202	USOE Procedures for Individuals with the Most Severe Disabilities	32271	5YR	01/05/2009	2009-3/86
Environmental Quality					
Administration					
R305-1	Records Access and Management	32668	NSC	06/09/2009	Not Printed
Air Quality					
R307-101	General Requirements	32783	5YR	07/02/2009	2009-15/122
R307-101-2	Definitions	32458	AMD	07/02/2009	2009-8/6
R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	32351	AMD	05/07/2009	2009-5/8
R307-121	General Requirements: Clean Fuel Vehicle Tax Credits	31928	AMD	01/01/2009	2008-19/25
R307-121	General Requirements: Clean Air and Efficient Vehicle Tax Credit	32275	5YR	01/06/2009	2009-3/86
R307-150	Emission Inventories	32353	5YR	02/05/2009	2009-5/28
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	32354	5YR	02/05/2009	2009-5/28
R307-405-2	Applicability	32042	AMD	02/05/2009	2008-21/33
R307-840	Lead-Based Paint Accreditation, Certification and Work Practice Standards	32656	5YR	05/07/2009	2009-11/57
R307-840	Lead-Based Paint Accreditation, Certification and Work Practice Standards	32350	AMD	05/07/2009	2009-5/9
Drinking Water					
R309-105-6	Construction of Public Drinking Water Facilities	32444	AMD	05/12/2009	2009-7/16
R309-110-4	Definitions	32443	AMD	05/12/2009	2009-7/18
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	32445	AMD	05/12/2009	2009-7/19
R309-510	Facility Design and Operation: Minimum Sizing Requirements	32406	AMD	04/27/2009	2009-6/28
R309-515-7	Ground Water - Springs	32168	AMD	02/15/2009	2008-24/3
R309-520	Facility Design and Operation: Disinfection	32407	AMD	04/27/2009	2009-6/32
R309-525-11	Chemical Addition	32408	AMD	04/27/2009	2009-6/33
R309-530-6	Slow Sand Filtration	32409	AMD	04/27/2009	2009-6/34
R309-540-6	Hydropneumatic Systems	32169	AMD	02/15/2009	2008-24/5
R309-545-15	Venting	32410	AMD	04/27/2009	2009-6/36
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	32028	AMD	01/28/2009	2008-21/34
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	32029	AMD	01/28/2009	2008-21/40

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Radiation Control					
R313-21	General Licenses	32050	CPR	02/11/2009	2008-24/38
R313-21	General Licenses	32050	AMD	02/11/2009	2008-21/47
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	32206	AMD	02/12/2009	2009-1/27
R313-32	Medical Use of Radioactive Material	32207	AMD	02/12/2009	2009-1/30
Solid and Hazardous Waste					
R315-1-1	Definitions	32137	AMD	01/15/2009	2008-23/17
R315-2	General Requirements - Identification and Listing of Hazardous Waste	32138	AMD	01/15/2009	2008-23/19
R315-15-13	Registration and Permitting of Used Oil Handlers	32231	NSC	01/22/2009	Not Printed
R315-315	Special Waste Requirements	32441	AMD	05/15/2009	2009-7/22
R315-320	Waste Tire Transporter and Recycler Requirements	32378	5YR	02/17/2009	2009-5/29
Water Quality					
R317-1	Definitions and General Requirements	32380	AMD	04/07/2009	2009-5/11
R317-1-7	TMDL	32379	AMD	06/11/2009	2009-5/14
R317-1-9	Electronic Submissions and Electronic Signatures	32341	AMD	04/07/2009	2009-4/17
R317-2	Standards of Quality for Waters of the State	31650	CPR	01/12/2009	2008-23/28
R317-2	Standards of Quality for Waters of the State	31650	AMD	01/12/2009	2008-14/30
R317-3-1	Technical and Procedural Requirements	32342	AMD	04/07/2009	2009-4/18
R317-5-1	General	32381	AMD	04/07/2009	2009-5/16
R317-8	Utah Pollutant Discharge Elimination System	32340	AMD	04/07/2009	2009-4/21
R317-101-2	Definitions and Eligibility	32480	AMD	06/11/2009	2009-8/8
R317-401	Graywater Systems	32779	5YR	07/01/2009	2009-14/82
Health					
Administration					
R380-25	Submission of Data Through an Electronic Data Interchange	32738	5YR	06/22/2009	2009-14/83
R380-70	Standards for Electronic Exchange of Clinical Health Information	31980	NEW	02/04/2009	2008-20/12
Children's Health Insurance Program					
R382-10	Eligibility	32185	AMD	01/22/2009	2008-24/7
R382-10	Eligibility	32636	AMD	07/01/2009	2009-10/54
Community and Family Health Services, Chronic Disease					
R384-100	Cancer Reporting Rule	32465	5YR	03/25/2009	2009-8/62
Epidemiology and Laboratory Services, Environmental Services					
R392-101	Food Safety Manager Certification	32370	5YR	02/12/2009	2009-5/30
R392-303	Public Geothermal Pools and Bathing Places	32393	NEW	07/13/2009	2009-6/37
Community and Family Health Services, Children with Special Health Care Needs					
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	32454	5YR	03/19/2009	2009-8/62
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting (5YR EXTENSION)	32158	NSC	03/19/2009	Not Printed
Health Care Financing, Coverage and Reimbursement Policy					
R414-1-5	Incorporations by Reference	32102	AMD	01/01/2009	2008-22/22

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-1-5	Incorporations by Reference	32329	AMD	04/01/2009	2009-4/26
R414-1-5	Incorporations by Reference	32637	AMD	07/01/2009	2009-10/56
R414-9	Federally Qualified Health Centers	32325	5YR	01/26/2009	2009-4/56
R414-14-5	Service Coverage	32223	AMD	02/24/2009	2009-2/23
R414-14-5	Service Coverage	32623	AMD	07/01/2009	2009-10/57
R414-21-2	Eligibility Requirements	32224	AMD	02/24/2009	2009-2/25
R414-21-2	Eligibility Requirements	32619	AMD	07/01/2009	2009-10/59
R414-27	Medicaid Certification of Nursing Care Facilities	32064	CPR	05/12/2009	2009-5/22
R414-27	Medicaid Certification of Nursing Care Facilities	32064	AMD	05/12/2009	2008-21/54
R414-49	Dental Service	32617	AMD	07/01/2009	2009-10/60
R414-50-3	Client Eligibility Requirements	32622	AMD	07/01/2009	2009-10/61
R414-51	Dental, Orthodontia	32625	AMD	07/01/2009	2009-10/62
R414-52	Optometry Services	32225	AMD	02/24/2009	2009-2/26
R414-53	Eyeglasses Services	32226	AMD	02/24/2009	2009-2/27
R414-54	Speech-Language Pathology Services	32227	AMD	02/24/2009	2009-2/28
R414-54	Speech-Language Pathology Services	32432	5YR	03/09/2009	2009-7/36
R414-54-3	Services	32326	AMD	04/01/2009	2009-4/27
R414-54-3	Services	32638	AMD	07/01/2009	2009-10/63
R414-58	Children's Organ Transplants	32324	5YR	01/26/2009	2009-4/57
R414-59-4	Services for Individuals Eligible for Optional Services	32228	AMD	02/24/2009	2009-2/29
R414-59-4	Client Eligibility Requirements	32327	AMD	04/01/2009	2009-4/28
R414-59-4	Client Eligibility Requirements	32639	AMD	07/01/2009	2009-10/64
R414-60B-4	Service Coverage	32659	EMR	05/18/2009	2009-11/54
R414-99	Chiropractic Services	32352	5YR	02/04/2009	2009-5/30
R414-99-2	Client Eligibility Requirements	32229	AMD	02/24/2009	2009-2/30
R414-200	Non-Traditional Medicaid Health Plan Services	32230	AMD	02/24/2009	2009-2/31
R414-200	Non-Traditional Medicaid Health Plan Services	32621	AMD	07/01/2009	2009-10/65
R414-301-4	Safeguarding Information	32252	NSC	01/22/2009	Not Printed
R414-303-11	Prenatal and Newborn Medicaid	32746	EMR	07/01/2009	2009-14/68
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	32184	AMD	01/26/2009	2008-24/9
R414-308-3	Application and Signature	32744	EMR	07/01/2009	2009-14/70
R414-310	Medicaid Primary Care Network Demonstration Waiver	32186	AMD	01/22/2009	2008-24/13
R414-310	Medicaid Primary Care Network Demonstration Waiver	32626	AMD	07/01/2009	2009-10/67
R414-310	Medicaid Primary Care Network Demonstration Waiver	32749	EMR	07/01/2009	2009-14/72
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32187	AMD	01/22/2009	2008-24/15
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32629	AMD	07/01/2009	2009-10/68
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	32751	EMR	07/01/2009	2009-14/75
R414-401	Nursing Care Facility Assessment	32755	5YR	06/25/2009	2009-14/83
R414-401-3	Assessment	32631	AMD	07/01/2009	2009-10/72
R414-504	Nursing Facility Payments	32633	AMD	07/01/2009	2009-10/73
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	32440	AMD	05/21/2009	2009-7/24

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Health Systems Improvement, Emergency Medical Services					
R426-5	Statewide Trauma System Standards	32499	AMD	06/08/2009	2009-9/16
R426-5-4	Trauma Review Committee	32084	AMD	02/24/2009	2008-22/25
R426-6	Emergency Medical Services Competitive Grants Program Rules	32618	AMD	07/09/2009	2009-10/77
R426-7-5	Penalty for Violation of Rule	32279	NSC	02/05/2009	Not Printed
R426-8	Emergency Medical Services Per Capita Grants Program Rules	32615	AMD	07/08/2009	2009-10/79
R426-8-4	Application and Award Formula	31919	AMD	01/13/2009	2008-18/29
R426-12-1400	Penalties	32384	NSC	03/14/2009	Not Printed
R426-13-1300	Penalties	32280	NSC	02/05/2009	Not Printed
R426-14-600	Penalties	32281	NSC	02/05/2009	Not Printed
R426-15-700	Penalties	32282	NSC	02/05/2009	Not Printed
Center for Health Data, Health Care Statistics					
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations and Preferred Provider Organizations	32118	AMD	01/08/2009	2008-23/21
Health Systems Improvement, Child Care Licensing					
R430-6	Background Screening	31820	R&R	02/16/2009	2008-17/54
R430-6	Background Screening	31820	CPR	02/16/2009	2009-1/51
R430-8	Exemptions From Child Care Licensing	32683	5YR	05/19/2009	2009-12/78
R430-100	Child Care Centers	32595	NSC	07/01/2009	Not Printed
R430-100	Child Care Centers	32416	AMD	07/01/2009	2009-6/43
Epidemiology and Laboratory Services, Laboratory Improvement					
R444-14	Rule for the Certification of Environmental Laboratories	31910	AMD	01/12/2009	2008-18/42
Housing Corporation (Utah)					
Administration					
R460-7-2	Definitions	32211	NSC	01/12/2009	Not Printed
Human Resource Management					
Administration					
R477-1	Definitions	32634	AMD	07/01/2009	2009-10/80
R477-2	Administration	32605	AMD	07/01/2009	2009-10/85
R477-3	Classification	32598	AMD	07/01/2009	2009-10/88
R477-4	Filling Positions	32630	AMD	07/01/2009	2009-10/89
R477-4-4	Order of Selection for Career Service Positions	32426	EMR	03/02/2009	2009-6/86
R477-5	Employee Status and Probation	32593	AMD	07/01/2009	2009-10/93
R477-6	Compensation	32603	AMD	07/01/2009	2009-10/94
R477-7	Leave	32627	AMD	07/01/2009	2009-10/98
R477-8	Working Conditions	32592	AMD	07/01/2009	2009-10/104
R477-9	Employee Conduct	32594	AMD	07/01/2009	2009-10/108
R477-10	Employee Development	32597	AMD	07/01/2009	2009-10/110
R477-11	Discipline	32596	AMD	07/01/2009	2009-10/111
R477-12	Separations	32609	AMD	07/01/2009	2009-10/113
R477-12-3	Reduction in Force	32427	EMR	03/02/2009	2009-6/87
R477-12-3	Reduction in Force	32424	AMD	04/21/2009	2009-6/55
R477-14	Substance Abuse and Drug-Free Workplace	32641	AMD	07/01/2009	2009-10/115

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R477-15	Workforce Harassment Policy and Procedure	32590	AMD	07/01/2009	2009-10/117
Human Services					
Administration					
R495-882	Termination of Parental Rights	32728	5YR	06/15/2009	2009-13/84
R495-888	Department of Human Services Related Parties Conflict Investigation Procedure	32154	NEW	01/21/2009	2008-24/18
Administration, Administrative Hearings					
R497-100	Adjudicative Proceedings	32181	AMD	01/21/2009	2008-24/21
R497-100	Adjudicative Proceedings	32328	NSC	02/25/2009	Not Printed
Administration, Administrative Services, Licensing					
R501-1	General Provisions	32190	NSC	01/12/2009	Not Printed
R501-4-7	Administrative Hearing	32191	NSC	01/12/2009	Not Printed
R501-12-8	Safety	32192	NSC	01/12/2009	Not Printed
R501-14	Background Screening	32193	NSC	01/12/2009	Not Printed
Aging and Adult Services					
R510-302	Adult Protective Services	32428	R&R	05/27/2009	2009-7/26
R510-400	Home and Community-Based Alternatives Services Policy and Procedures	32471	R&R	05/27/2009	2009-8/9
Child and Family Services					
R512-2	Title IV-B Child Welfare/Family Preservation and Support Services and Title IV-E Foster Care, Adoption, and Independent Living	32455	AMD	05/27/2009	2009-8/18
R512-32	Children with Reportable Communicable Diseases	32456	AMD	05/27/2009	2009-8/19
R512-40	Adoptive Home Studies, Recruitment, Approval	32457	AMD	05/27/2009	2009-8/22
R512-41	Qualifying Adoptive Families and Adoption Placement	32657	5YR	05/07/2009	2009-11/58
R512-302	Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver	32464	AMD	05/27/2009	2009-8/23
R512-306	Transition to Adult Living Services, Education and Training Voucher Program	32658	5YR	05/07/2009	2009-11/58
R512-309	Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care	32182	NEW	01/21/2009	2008-24/24
Substance Abuse and Mental Health					
R523-1-5	Fee for Service	32183	AMD	01/22/2009	2008-24/26
Recovery Services					
R527-3	Definitions	32385	AMD	07/13/2009	2009-6/57
R527-5	Release of Information	32159	R&R	01/21/2009	2008-24/27
R527-10	Disclosure of Information to the Office of Recovery Services	32386	AMD	07/13/2009	2009-6/58
R527-38	Unenforceable Cases	32387	AMD	07/13/2009	2009-6/59
R527-39	Applicant/Recipient Cooperation	32388	AMD	07/13/2009	2009-6/60
R527-40	Retained Support	32497	AMD	06/15/2009	2009-9/17
R527-201	Medical Support Services	32492	AMD	06/09/2009	2009-9/18
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program.	32390	AMD	07/13/2009	2009-6/62
R527-275	Passport Denial	32494	NEW	06/09/2009	2009-9/20
R527-300	Income Withholding	32565	AMD	06/30/2009	2009-10/118
R527-394	Posting Bond or Security	32391	AMD	07/13/2009	2009-6/64
R527-601	Establishing or Modifying an Administrative Award for Child Support	32496	AMD	06/15/2009	2009-9/21

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Services for People with Disabilities					
R539-5	Self-Administered Services	32521	AMD	06/29/2009	2009-9/22
R539-5-8	Limitation	32308	EMR	01/15/2009	2009-3/81
Juvenile Justice Services					
R547-1	Residential and Nonresidential, Nonsecure Community Program Standards	32453	AMD	06/11/2009	2009-8/26
R547-6-3	Administration and Organization	32452	NSC	04/14/2009	Not Printed
Insurance					
Administration					
R590-93	Replacement of Life Insurance and Annuities	32531	5YR	04/15/2009	2009-9/50
R590-98	Unfair Practice in Payment of Life Insurance and Annuity Policy Values	32532	5YR	04/15/2009	2009-9/51
R590-126-4	Prohibited Policy Provisions	32272	AMD	03/12/2009	2009-3/45
R590-131-3	Definitions	32322	NSC	02/25/2009	Not Printed
R590-136	Title Insurance Agents' Annual Reports	32316	AMD	05/19/2009	2009-3/47
R590-146-20	Standards for Marketing	32491	AMD	06/02/2009	2009-8/46
R590-146-20	Standards for Marketing	32703	NSC	06/29/2009	Not Printed
R590-148-22	Loss Ratio	32320	NSC	02/25/2009	Not Printed
R590-149-7	Classification of Records	32403	NSC	03/14/2009	Not Printed
R590-166	Home Protection Service Contract Rule	32529	5YR	04/15/2009	2009-9/51
R590-170	Fiduciary and Trust Account Obligations	32405	5YR	02/25/2009	2009-6/92
R590-187	Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	32317	AMD	05/19/2009	2009-3/49
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	32530	5YR	04/15/2009	2009-9/52
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	32533	5YR	04/15/2009	2009-9/52
R590-192	Unfair Accident and Health Income Replacement Claims Settlement Practices Rule	32756	5YR	06/25/2009	2009-14/84
R590-195	Rental Car Related Licensing	32435	5YR	03/11/2009	2009-7/36
R590-211	Underinsured Motorist Insurer Notification	32667	REP	07/08/2009	2009-11/38
R590-220	Submission of Accident and Health Insurance Filings	32442	5YR	03/12/2009	2009-7/37
R590-222	Viatical Settlements	32579	AMD	06/25/2009	2009-10/120
R590-225	Submission of Property and Casualty Rate and Form Filings	32439	5YR	03/12/2009	2009-7/37
R590-226	Submission of Life Insurance Filings	32467	5YR	03/26/2009	2009-8/63
R590-227	Submission of Annuity Filings	32468	5YR	03/26/2009	2009-8/63
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	32469	5YR	03/26/2009	2009-8/64
R590-230	Suitability in Annuity Transactions	32702	5YR	06/02/2009	2009-13/84
R590-244	Individual and Agency Licensing Requirements	32541	NEW	07/01/2009	2009-10/126
R590-247	Universal Individual Health Insurance Application Rule	32640	AMD	07/01/2009	2009-10/130
R590-252	Use of Senior-Specific Certifications and Professional Designations	32261	NEW	02/25/2009	2009-2/32
R590-253	Utah Mini-COBRA Notification Rule	32495	EMR	04/02/2009	2009-9/48
R590-253	Utah Mini-COBRA Notification Rule	32528	NEW	07/01/2009	2009-9/24
R590-254	Annual Financial Reporting Rule	32674	NEW	07/08/2009	2009-11/39
Title and Escrow Commission					
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	32545	REP	06/25/2009	2009-10/131

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	32548	NEW	06/25/2009	2009-10/134
R592-7	Title Insurance Continuing Education Program	32543	REP	06/25/2009	2009-10/137
R592-7	Title Insurance Continuing Education Program	32525	NEW	06/25/2009	2009-9/25
R592-8	Application Process for an Attorney Exemption for Title Agency Licensing	32546	REP	06/25/2009	2009-10/139
R592-8	Application Process for an Attorney Exemption for Title Agency Licensing	32526	NEW	06/25/2009	2009-9/27
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	32547	REP	06/25/2009	2009-10/141
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	32527	NEW	06/25/2009	2009-9/29
R592-11-3	Definition	32682	NSC	06/18/2009	Not Printed
R592-13	Minimum Charges for Escrow Services	32167	NEW	01/22/2009	2008-24/31
R592-13	Minimum Charges for Escrow Services (EXPIRED - Legislative Nonreauthorization)	32664	NSC	05/12/2009	Not Printed
Judicial Performance Evaluation Commission					
Administration					
R597-1	General Provisions	32423	NEW	05/01/2009	2009-6/66
R597-3	Judicial Performance Evaluations	32421	NEW	05/01/2009	2009-6/67
Labor Commission					
Adjudication					
R602-2-2	Guidelines for Utilization of Medical Panel	32276	AMD	03/10/2009	2009-3/51
R602-7	Adjudication of Discrimination Claims	32277	NEW	03/10/2009	2009-3/52
R602-7-4	Hearings	32482	AMD	05/22/2009	2009-8/47
R602-8	Adjudication of Utah Occupational Safety and Health Citation Claims	32278	NEW	03/10/2009	2009-3/57
R602-8-4	Hearings	32483	AMD	05/22/2009	2009-8/48
Industrial Accidents					
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	32054	AMD	01/01/2009	2008-21/66
Occupational Safety and Health					
R614-1-4	Incorporation of Federal Standards	32216	NSC	01/13/2009	Not Printed
R614-1-4	Incorporation of Federal Standards	32481	NSC	04/14/2009	Not Printed
Safety					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	32259	AMD	02/24/2009	2009-2/34
Lieutenant Governor					
Administration					
R622-2	Use of the Great Seal of the State of Utah	32501	5YR	04/07/2009	2009-9/53
Elections					
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	32508	5YR	04/07/2009	2009-9/53
R623-2	Uniform Ballot Counting Standards	32512	5YR	04/07/2009	2009-9/54
R623-3	Utah State Plan on Election Reform	32513	5YR	04/07/2009	2009-9/54
Money Management Council					
Administration					
R628-15-12	Procedures for Denial, Suspension, or Termination and Reinstatement of Status	32293	NSC	02/05/2009	Not Printed
R628-16-12	Procedures for Suspension or Termination and Reinstatement of Status	32294	NSC	02/05/2009	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	32367	5YR	02/10/2009	2009-5/31
Natural Resources					
Geological Survey					
R638-2	Renewable Energy Systems Tax Credits	32331	AMD	04/06/2009	2009-4/29
R638-3	Energy Efficiency Fund	32330	AMD	04/06/2009	2009-4/37
Parks and Recreation					
R651-411	OHV Use in State Parks	32301	5YR	01/13/2009	2009-3/87
R651-411-2	OHV Use-Restrictions	32302	NSC	02/05/2009	Not Printed
R651-611-4	Special Fees	32470	AMD	06/10/2009	2009-8/48
R651-633-2	General Closures or Restrictions	32339	AMD	03/26/2009	2009-4/41
R651-636	Procedures for Application to Receive Funds From the Zion National Park Restricted Account	32338	NEW	03/26/2009	2009-4/42
Forestry, Fire and State Lands					
R652-5-200	Payments	32487	AMD	05/26/2009	2009-8/50
R652-20-1600	Posting Dates/Simultaneous Filing	32485	AMD	05/26/2009	2009-8/52
R652-70	Sovereign Lands	32486	AMD	05/26/2009	2009-8/52
R652-90	Sovereign Land Management Planning	32489	AMD	05/26/2009	2009-8/54
Water Rights					
R655-13	Stream Alteration	32368	5YR	02/11/2009	2009-5/31
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	32201	AMD	02/10/2009	2009-1/35
Wildlife Resources					
R657-5	Taking Big Game	32337	AMD	03/24/2009	2009-4/43
R657-5-73	Management Buck Deer Hunt	32462	NSC	04/14/2009	Not Printed
R657-13	Taking Fish and Crayfish	32129	AMD	01/07/2009	2008-23/23
R657-17-4	General Deer Permits and Tags	32300	AMD	03/10/2009	2009-3/61
R657-33-19	Exporting Bear from Utah	32319	AMD	03/24/2009	2009-4/50
R657-38	Dedicated Hunter Program	32309	AMD	03/10/2009	2009-3/62
R657-42-4	Surrenders	32371	AMD	04/07/2009	2009-5/19
R657-44-3	Damage to Cultivated Crops, Fences, or Irrigation Equipment by Big Game Animals	32299	AMD	03/10/2009	2009-3/69
R657-46	The Use of Game Birds in Dog Field Trials and Training	32721	5YR	06/09/2009	2009-13/85
R657-55-4	Obtaining Authority to Distribute Wildlife Convention Permit Series	32297	AMD	03/10/2009	2009-3/71
R657-60	Aquatic Invasive Species Interdiction	32679	EMR	05/19/2009	2009-12/72
R657-60-2	Definitions	32081	AMD	01/07/2009	2008-22/28
R657-60-2	Definitions	32298	AMD	03/10/2009	2009-3/72
R657-61	Valuation of Real Property Interests for Purposes of Acquisition or Disposal	32210	AMD	02/09/2009	2009-1/40
R657-62	Drawing Application Procedures	32420	NEW	04/21/2009	2009-6/70
Pardons (Board Of)					
Administration					
R671-201	Original Parole Grant Hearing Schedule and Notice	32067	AMD	02/25/2009	2008-22/29
R671-312	Commutation Hearings for Death Penalty Cases	32065	AMD	02/25/2009	2008-22/30

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R671-405	Parole Termination	32066	AMD	02/25/2009	2008-22/33
Public Safety					
Administration					
R698-4	Certification of the Law Enforcement Agency of a Private College or University	32404	5YR	02/25/2009	2009-6/93
Homeland Security					
R704-1	Search and Rescue Financial Assistance Program	32305	NSC	02/05/2009	Not Printed
Driver License					
R708-7-10	Use of the Functional Ability Profile	32202	AMD	02/19/2009	2009-1/41
R708-10	Classified License System	32502	5YR	04/07/2009	2009-9/55
R708-14	Adjudicative Proceedings for Driver License Actions Involving Alcohol and Drugs	32587	AMD	07/06/2009	2009-10/143
R708-22	Commercial Driver License Administrative Proceedings	32503	5YR	04/07/2009	2009-9/55
R708-24	Renewal of a Commercial Driver License (CDL)	32504	5YR	04/07/2009	2009-9/56
R708-26	Learner Permit Rule	32506	5YR	04/07/2009	2009-9/56
R708-26-2	Authority	32505	NSC	05/14/2009	Not Printed
R708-31	Ignition Interlock Systems	32507	5YR	04/07/2009	2009-9/57
Fire Marshal					
R710-2-6	List of Approved Class C Common State Approved Explosives	32451	AMD	05/12/2009	2009-7/33
R710-3	Assisted Living Facilities	32304	AMD	03/10/2009	2009-3/73
R710-5-8	Fees	32460	NSC	04/13/2009	Not Printed
R710-6	Liquefied Petroleum Gas Rules	32538	AMD	06/10/2009	2009-9/30
R710-9	Rules Pursuant to the Utah Fire Prevention Law	32466	AMD	05/27/2009	2009-8/55
R710-13	Reduced Cigarette Ignition Propensity and Firefighter Protection Act	32461	NSC	04/13/2009	Not Printed
Criminal Investigations and Technical Services, Criminal Identification					
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	32088	AMD	01/01/2009	2008-22/34
R722-900	Review and Challenge of Criminal Record	32208	NSC	01/12/2009	Not Printed
Peace Officer Standards and Training					
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	32132	AMD	02/05/2009	2008-23/25
R728-502	Procedure for POST Instructor Certification	32472	5YR	03/30/2009	2009-8/65
Public Service Commission					
Administration					
R746-343-3	Eligibility Requirements	32232	AMD	03/03/2009	2009-2/35
R746-350	Application to Discontinue Telecommunications Service	32306	5YR	01/14/2009	2009-3/88
R746-360-5	Fund Remittances and Disbursements	32434	AMD	05/12/2009	2009-7/34
R746-365	Intercarrier Service Quality	32283	5YR	01/06/2009	2009-3/88
Regents (Board Of)					
Administration					
R765-603	Regents' Scholarship (EXPIRED - Legislative Nonreauthorization)	32665	NSC	05/12/2009	Not Printed
Salt Lake Community College					
R784-1	Government Records Access and Management Act Rules	32433	5YR	03/09/2009	2009-7/38

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
University of Utah, Museum of Natural History (Utah)					
R807-1	Curation of Collections from State Lands	32284	5YR	01/06/2009	2009-3/89
School and Institutional Trust Lands					
Administration					
R850-5-200	Payments, Royalties, Audits, and Reinstatements	32402	NSC	03/14/2009	Not Printed
Sports Authority (Utah)					
Pete Suazo Utah Athletic Commission					
R859-1	Pete Suazo Utah Athletic Commission Act Rule	32205	AMD	05/01/2009	2009-1/42
R859-1-301	Qualifications for Licensure	32188	AMD	03/01/2009	2009-1/44
R859-1-301	Qualifications for Licensure	32670	AMD	07/14/2009	2009-11/48
R859-1-501	Promoter's Responsibility in Arranging Contests - Permit Fee, Bond, Restrictions	32671	AMD	07/14/2009	2009-11/49
R859-1-802	Martial Arts Contest Weights and Classes	32669	AMD	07/14/2009	2009-11/51
Tax Commission					
Auditing					
R865-4D-2	Clean Special Fuel Certificate, Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	32035	AMD	01/01/2009	2008-21/76
R865-4D-2	Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	32334	AMD	03/26/2009	2009-4/51
R865-4D-6	Invoices pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-313	32335	AMD	03/26/2009	2009-4/52
R865-4D-24	Off Highway Use of Undyed Diesel Fuel Pursuant to Utah Code Ann. Section 59-13-301	32336	AMD	03/26/2009	2009-4/53
R865-7H	Environmental Assurance Fee	32392	5YR	02/19/2009	2009-6/93
R865-12L-6	Place of Transaction Pursuant to Utah Code Ann. Section 59-12-207	32034	AMD	01/01/2009	2008-21/78
R865-12L-12	Leases and Rentals Pursuant to Utah Code Ann. Section 59-12-204	32032	AMD	01/01/2009	2008-21/79
R865-12L-13	Repairmen and Servicemen Pursuant to Utah Code Ann. Section 59-12-204	32015	AMD	01/01/2009	2008-21/79
R865-19S-12	Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118	32008	AMD	01/01/2009	2008-21/80
R865-19S-27	Retail Sales Defined Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103(1)(g)	32017	AMD	01/01/2009	2008-21/81
R865-19S-29	Wholesale Sale Defined Pursuant to Utah Code Ann. Section 59-12-102	32030	AMD	01/01/2009	2008-21/82
R865-19S-90	Telephone Service Pursuant to Utah Code Ann. Section 59-12-103	32007	AMD	01/01/2009	2008-21/83
R865-19S-92	Computer software and Other Related Transactions Pursuant to Utah Code Ann. Section 59-12-103	32016	AMD	01/01/2009	2008-21/84
R865-19S-113	Sales Tax Obligations of Jeep, Snowmobile, Aircraft, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32012	AMD	01/01/2009	2008-21/85
R865-19S-119	Certain Transactions Involving Food and Lodging Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	32013	AMD	01/01/2009	2008-21/86
R865-21U-3	Liability of Retailers Pursuant to Utah Code Ann. Section 59-12-107	32033	AMD	01/01/2009	2008-21/87

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R865-21U-15	Automobile, Construction Equipment and Other Merchandise Purchased from Out-Of-State Vendors Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107	32010	AMD	01/01/2009	2008-21/87
Motor Vehicle					
R873-22M-20	Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112	32045	AMD	01/01/2009	2008-21/88
R873-22M-23	Registration Information Update for Vintage Vehicle Special Group License Plates Pursuant to Utah Code Ann. Section 41-1a-1209	32037	AMD	01/01/2009	2008-21/89
Motor Vehicle Enforcement					
R877-23V-7	Misleading Advertising Pursuant to Utah Code Ann. Section 41-3-210	32234	AMD	03/03/2009	2009-2/36
Property Tax					
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. 59-2-701 and 59-2-702	32260	AMD	03/03/2009	2009-2/39
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	32233	AMD	03/03/2009	2009-2/42
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5	32063	AMD	01/01/2009	2008-21/90
R884-24P-47	Uniform Tax on Aircraft Pursuant to Utah Code Ann. Sections 59-2-404, 59-2-1005, 59-2-1302, and 59-2-1303	32036	AMD	01/01/2009	2008-21/92
R884-24P-53	2008 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	32044	AMD	01/01/2009	2008-21/93
R884-24P-70	Real Property Appraisal Requirements for County Assessors Pursuant to Utah Code Ann. Sections 59-2-303.1 and 59-2-919.1	32052	AMD	01/01/2009	2008-21/97
Technology Services					
Administration					
R895-4	Sub-Domain Naming Conventions for Executive Branch Agencies	32498	5YR	04/06/2009	2009-9/57
R895-6	IT Plan Submission Rule for Agencies	32714	5YR	06/08/2009	2009-13/85
R895-7	Acceptable Use of Information Technology Resources	32705	5YR	06/03/2009	2009-13/86
Transportation					
Administration					
R907-1	Appeal of Departmental Actions	32214	AMD	04/14/2009	2009-1/45
R907-3	Administrative Procedure	32217	NSC	01/12/2009	Not Printed
R907-62-7	Classification of Records	32303	NSC	02/05/2009	Not Printed
R907-62-7	Classification of Records	32161	NSC	02/05/2009	Not Printed
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	31961	AMD	01/12/2009	2008-20/25
R907-66	Incorporation and Use of Federal Acquisition Regulations on Federal-Aid and State-Financed Transportation Projects	32213	NSC	01/12/2009	Not Printed
Motor Carrier					
R909-1-1	Adoption of Federal Regulations	32488	AMD	06/11/2009	2009-8/60
R909-3	Standards for Utah School Buses (5YR EXTENSION)	32264	NSC	01/05/2009	Not Printed
R909-3	Standards for Utah School Buses	32274	5YR	01/05/2009	2009-3/89
R909-3-2	Authority	32273	NSC	02/05/2009	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	32215	NSC	01/12/2009	Not Printed
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	32490	AMD	06/11/2009	2009-8/60
Operations, Construction					
R916-2	Prequalification of Contractors	32307	NSC	02/05/2009	Not Printed
R916-5	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	32768	EMR	07/01/2009	2009-14/78
Operations, Traffic and Safety					
R920-50	Ropeway Operations Safety Rules	32515	R&R	06/11/2009	2009-9/33
Program Development					
R926-10	Tollway Development Agreements	32179	AMD	02/19/2009	2008-24/32
R926-11	Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009	32076	NEW	01/05/2009	2008-22/39
Preconstruction					
R930-3	Highway Noise Abatement	32000	AMD	01/12/2009	2008-21/98
Transportation Commission					
Administration					
R940-3	Procedures for Transportation Infrastructure Loan Fund Assistance	31920	NEW	01/12/2009	2008-18/62
R940-3-2	Definitions	32082	NSC	01/12/2009	Not Printed
Workforce Services					
Administration					
R982-101	Americans with Disabilities Complaint Procedure	32237	NSC	01/22/2009	Not Printed
R982-201	Government Records Access and Management Act	32238	NSC	01/22/2009	Not Printed
Employment Development					
R986-100	Employment Support Programs	32239	NSC	01/22/2009	Not Printed
R986-200-239	How to Determine the Amount of the Financial Assistance Payment	32672	AMD	07/08/2009	2009-11/52
R986-200-240	Additional Payments Available Under Certain Circumstances	32114	AMD	01/06/2009	2008-22/41
R986-200-246	Transitional Cash Assistance	32209	AMD	02/12/2009	2009-1/48
R986-500-502	General Provisions	32240	NSC	01/22/2009	Not Printed
Unemployment Insurance					
R994-202	Employing Units	32535	AMD	06/18/2009	2009-9/45
R994-204-402	Procedure for Issuing a Safe Haven Determination	32242	NSC	01/22/2009	Not Printed
R994-309	Nonprofit Organizations	32802	5YR	07/08/2009	2009-15/122
R994-310	Coverage	32803	5YR	07/08/2009	2009-15/123
R994-311	Governmental Units and Indian Tribes	32804	5YR	07/08/2009	2009-15/123
R994-312	Employing Units Records	32805	5YR	07/08/2009	2009-15/124
R994-405-3	Professional Employment Organization (PEO)	32534	NSC	05/14/2009	Not Printed

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

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
accelerated learning					
Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/27
acceptable use					
Technology Services, Administration	32705	R895-7	5YR	06/03/2009	2009-13/86
access					
Environmental Quality, Drinking Water	32410	R309-545-15	AMD	04/27/2009	2009-6/36
accessing records					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
accidents					
Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
accreditation					
Education, Administration	32373	R277-413	5YR	02/13/2009	2009-5/26
activities					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
ADA					
Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
ADA complaint procedures					
Crime Victim Reparations, Administration	32394	R270-3	5YR	02/19/2009	2009-6/91
	32197	R270-3	NSC	01/12/2009	Not Printed
ADA*					
Transportation, Administration	32161	R907-62-7	NSC	02/05/2009	Not Printed
adjudicative procedures					
Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
adjudicative proceedings					
Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
Public Safety, Driver License	32587	R708-14	AMD	07/06/2009	2009-10/143
administrative law					
Human Services, Recovery Services	32390	R527-258	AMD	07/13/2009	2009-6/62
administrative penalties					
Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
administrative procedures					
Agriculture and Food, Administration	32536	R51-1	NSC	05/14/2009	Not Printed
Commerce, Corporations and Commercial Code	32518	R154-100-2	NSC	05/14/2009	Not Printed
Community and Culture, History	32243	R212-1	NSC	01/22/2009	Not Printed
Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
	32372	R277-102	5YR	02/13/2009	2009-5/26
	32598	R477-3	AMD	07/01/2009	2009-10/88
	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
	32590	R477-15	AMD	07/01/2009	2009-10/117
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
Natural Resources, Forestry, Fire and State Lands	32487	R652-5-200	AMD	05/26/2009	2009-8/50
	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
	32486	R652-70	AMD	05/26/2009	2009-8/52
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
School and Institutional Trust Lands, Administration	32402	R850-5-200	NSC	03/14/2009	Not Printed
	32214	R907-1	AMD	04/14/2009	2009-1/45
	32217	R907-3	NSC	01/12/2009	Not Printed
administrative proceedings					
Public Safety, Driver License	32503	R708-22	5YR	04/07/2009	2009-9/55
administrative responsibility					
Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
adoption					
Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
	32457	R512-40	AMD	05/27/2009	2009-8/22
	32657	R512-41	5YR	05/07/2009	2009-11/58
adoption assistance					
Workforce Services, Employment Development	32240	R986-500-502	NSC	01/22/2009	Not Printed
adult education					
Education, Administration	32511	R277-702	AMD	06/09/2009	2009-9/13
	32315	R277-733	AMD	03/10/2009	2009-3/23
	32647	R277-733	AMD	06/23/2009	2009-10/52

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
agricultural law					
Agriculture and Food, Animal Industry	32693	R58-19-2	NSC	06/18/2009	Not Printed
agriculture law					
Agriculture and Food, Plant Industry	32516	R68-19-2	NSC	05/14/2009	Not Printed
air pollution					
Environmental Quality, Air Quality	32783	R307-101	5YR	07/02/2009	2009-15/122
	32458	R307-101-2	AMD	07/02/2009	2009-8/6
	32351	R307-101-3	AMD	05/07/2009	2009-5/8
	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
	32353	R307-150	5YR	02/05/2009	2009-5/28
	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
	32350	R307-840	AMD	05/07/2009	2009-5/9
	32656	R307-840	5YR	05/07/2009	2009-11/57
air travel					
Administrative Services, Finance	32635	R25-7	AMD	06/23/2009	2009-10/4
aircraft					
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
alarm company					
Commerce, Occupational and Professional Licensing	32477	R156-55d-302a	NSC	04/14/2009	Not Printed
alcoholic beverages					
Alcoholic Beverage Control, Administration	32222	R81-1	NSC	01/22/2009	Not Printed
	32542	R81-1-2	AMD	06/24/2009	2009-10/7
	32544	R81-1-3	AMD	06/24/2009	2009-10/9
	32414	R81-1-6	AMD	04/22/2009	2009-6/15
	32459	R81-1-6	AMD	05/27/2009	2009-8/5
	32549	R81-1-9	AMD	06/24/2009	2009-10/11
	32607	R81-1-11	NSC	05/27/2009	Not Printed
	32552	R81-1-24	AMD	06/24/2009	2009-10/12
	32553	R81-1-25	AMD	06/24/2009	2009-10/14
	32333	R81-1-28	AMD	03/24/2009	2009-4/8
	32608	R81-2-10	NSC	05/27/2009	Not Printed
	32554	R81-3-13	AMD	06/24/2009	2009-10/15
	32610	R81-4A-1	NSC	05/27/2009	Not Printed
	32555	R81-4A-2	AMD	06/24/2009	2009-10/17
	32556	R81-4A-2	EMR	05/01/2009	2009-10/145
	32558	R81-4A-10	EMR	05/01/2009	2009-10/146
	32557	R81-4A-10	AMD	06/24/2009	2009-10/17
	32559	R81-4A-11	AMD	06/24/2009	2009-10/18
	32560	R81-4A-11	EMR	05/01/2009	2009-10/147
	32611	R81-4A-14	NSC	05/27/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32561	R81-4A-15	AMD	06/24/2009	2009-10/19
	32562	R81-4A-15	EMR	05/01/2009	2009-10/148
	32612	R81-4B-1	NSC	05/27/2009	Not Printed
	32613	R81-4C-1	NSC	05/27/2009	Not Printed
	32563	R81-4C-2	AMD	06/24/2009	2009-10/21
	32564	R81-4C-2	EMR	05/01/2009	2009-10/149
	32567	R81-4C-9	AMD	06/24/2009	2009-10/21
	32568	R81-4C-9	EMR	05/01/2009	2009-10/150
	32569	R81-4C-10	AMD	06/24/2009	2009-10/22
	32571	R81-4C-10	EMR	05/01/2009	2009-10/151
	32572	R81-4C-13	AMD	06/24/2009	2009-10/23
	32574	R81-4C-13	EMR	05/01/2009	2009-10/151
	32575	R81-4D-1	AMD	06/24/2009	2009-10/24
	32614	R81-4D-2	NSC	05/27/2009	Not Printed
	32616	R81-4D-4	NSC	05/27/2009	Not Printed
	32576	R81-4D-10	AMD	06/24/2009	2009-10/26
	32577	R81-4D-10	EMR	05/01/2009	2009-10/153
	32578	R81-5-1	AMD	06/24/2009	2009-10/27
	32580	R81-5-2	AMD	06/24/2009	2009-10/28
	32581	R81-5-5	AMD	06/24/2009	2009-10/29
	32582	R81-5-6	AMD	06/24/2009	2009-10/30
	32628	R81-5-7	AMD	06/24/2009	2009-10/31
	32583	R81-5-9	AMD	06/24/2009	2009-10/31
	32584	R81-5-10	AMD	06/24/2009	2009-10/32
	32585	R81-5-11	AMD	06/24/2009	2009-10/33
	32588	R81-5-13	AMD	06/24/2009	2009-10/34
	32589	R81-5-14	AMD	06/24/2009	2009-10/35
	32591	R81-5-15	AMD	06/24/2009	2009-10/36
	32599	R81-5-16	AMD	06/24/2009	2009-10/37
	32600	R81-5-17	AMD	06/24/2009	2009-10/38
	32604	R81-5-18	AMD	06/24/2009	2009-10/39
	32606	R81-5-18	EMR	05/01/2009	2009-10/154
	32620	R81-10A-1	NSC	05/27/2009	Not Printed
	32624	R81-10A-7	NSC	05/27/2009	Not Printed
alternative fuels					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
alternative licensing					
Education, Administration	32643	R277-503-4	AMD	06/23/2009	2009-10/42
annuity insurance filings					
Insurance, Administration	32468	R590-227	5YR	03/26/2009	2009-8/63
annuity replacement					
Insurance, Administration	32531	R590-93	5YR	04/15/2009	2009-9/50

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
annuity suitability					
Insurance, Administration	32702	R590-230	5YR	06/02/2009	2009-13/84
appellate procedures					
Crime Victim Reparations, Administration	32196	R270-2	NSC	01/12/2009	Not Printed
application					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
appraisals					
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
aquaculture					
Agriculture and Food, Animal Industry	32199	R58-17	AMD	02/19/2009	2009-1/7
ARC					
Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
archaeological resources					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
armored car company					
Commerce, Occupational and Professional Licensing	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
armored car security officers					
Commerce, Occupational and Professional Licensing	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
assignments					
Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9
assisted living facilities					
Public Safety, Fire Marshal	32304	R710-3	AMD	03/10/2009	2009-3/73
attorney exemption application process					
Insurance, Title and Escrow Commission	32546	R592-8	REP	06/25/2009	2009-10/139
	32526	R592-8	NEW	06/25/2009	2009-9/27
audiology					
Health, Health Care Financing, Coverage and Reimbursement Policy	32327	R414-59-4	AMD	04/01/2009	2009-4/28
	32639	R414-59-4	AMD	07/01/2009	2009-10/64
	32228	R414-59-4	AMD	02/24/2009	2009-2/29

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
autism spectrum					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/62
automatic fire sprinklers					
Public Safety, Fire Marshal	32460	R710-5-8	NSC	04/13/2009	Not Printed
background screening					
Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed
bail bond enforcement agent					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
bail bond recovery agent					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
ballots					
Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
barrier					
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
basic application procedures					
Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
bear					
Natural Resources, Wildlife Resources	32319	R657-33-19	AMD	03/24/2009	2009-4/50
bed allocations					
Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
bids					
Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
big game					
Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
big game seasons					
Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32462	R657-5-73	NSC	04/14/2009	Not Printed
birds					
Natural Resources, Wildlife Resources	32721	R657-46	5YR	06/09/2009	2009-13/85
boards					
Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
boilers					
Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
bonding requirements					
Human Services, Recovery Services	32391	R527-394	AMD	07/13/2009	2009-6/64

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
bonuses					
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
boxing					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
	32670	R859-1-301	AMD	07/14/2009	2009-11/48
	32671	R859-1-501	AMD	07/14/2009	2009-11/49
	32669	R859-1-802	AMD	07/14/2009	2009-11/51
brachytherapy					
Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
breaks					
Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
broad scope					
Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
building codes					
Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
building inspection					
Commerce, Occupational and Professional Licensing	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
buildings					
Administrative Services, Facilities Construction and Management	32699	R23-29	5YR	06/01/2009	2009-12/76
	32399	R23-29	NSC	06/01/2009	Not Printed
burglar alarms					
Commerce, Occupational and Professional Licensing	32477	R156-55d-302a	NSC	04/14/2009	Not Printed
buses					
Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
C plate					
Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
cancer					
Health, Community and Family Health Services, Chronic Disease	32465	R384-100	5YR	03/25/2009	2009-8/62
capital punishment					
Pardons (Board Of), Administration	32065	R671-312	AMD	02/25/2009	2008-22/30
career and technical education					
Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
	32146	R277-911	AMD	01/07/2009	2008-23/12

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
cash management					
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
certification					
Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
certifications					
Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
certified local inspector					
Human Services, Administration, Administrative Services, Licensing	32191	R501-4-7	NSC	01/12/2009	Not Printed
certified local museums					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
certified nurse midwife					
Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
charities					
Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
charter schools					
Education, Administration	32566	R277-470-9	NSC	05/27/2009	Not Printed
	32663	R277-470-12	NSC	05/12/2009	Not Printed
child care					
Health, Health Systems Improvement, Child Care Licensing	32416	R430-100	AMD	07/01/2009	2009-6/43
	32595	R430-100	NSC	07/01/2009	Not Printed
child care centers					
Health, Health Systems Improvement, Child Care Licensing	32416	R430-100	AMD	07/01/2009	2009-6/43
	32595	R430-100	NSC	07/01/2009	Not Printed
child care facilities					
Health, Health Systems Improvement, Child Care Licensing	31820	R430-6	CPR	02/16/2009	2009-1/51
	31820	R430-6	R&R	02/16/2009	2008-17/54
	32683	R430-8	5YR	05/19/2009	2009-12/78
	32416	R430-100	AMD	07/01/2009	2009-6/43
	32595	R430-100	NSC	07/01/2009	Not Printed
child support					
Human Services, Recovery Services	32385	R527-3	AMD	07/13/2009	2009-6/57
	32386	R527-10	AMD	07/13/2009	2009-6/58

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32387	R527-38	AMD	07/13/2009	2009-6/59
	32388	R527-39	AMD	07/13/2009	2009-6/60
	32497	R527-40	AMD	06/15/2009	2009-9/17
	32492	R527-201	AMD	06/09/2009	2009-9/18
	32390	R527-258	AMD	07/13/2009	2009-6/62
	32494	R527-275	NEW	06/09/2009	2009-9/20
	32565	R527-300	AMD	06/30/2009	2009-10/118
	32391	R527-394	AMD	07/13/2009	2009-6/64
	32496	R527-601	AMD	06/15/2009	2009-9/21
child welfare					
Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
	32456	R512-32	AMD	05/27/2009	2009-8/19
	32657	R512-41	5YR	05/07/2009	2009-11/58
	32464	R512-302	AMD	05/27/2009	2009-8/23
	32182	R512-309	NEW	01/21/2009	2008-24/24
children's health benefits					
Health, Children's Health Insurance Program	32185	R382-10	AMD	01/22/2009	2008-24/7
	32636	R382-10	AMD	07/01/2009	2009-10/54
CHIP					
Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
	32751	R414-320	EMR	07/01/2009	2009-14/75
chiropractic services					
Health, Health Care Financing, Coverage and Reimbursement Policy	32352	R414-99	5YR	02/04/2009	2009-5/30
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
Class I area					
Environmental Quality, Air Quality	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
classified license					
Public Safety, Driver License	32502	R708-10	5YR	04/07/2009	2009-9/55
clean fuel					
Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
clients rights					
Health, Health Care Financing, Coverage and Reimbursement Policy	32252	R414-301-4	NSC	01/22/2009	Not Printed
clinical health information exchange					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
co-curricular					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
collections					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
colleges					
Public Safety, Administration	32404	R698-4	5YR	02/25/2009	2009-6/93
complaints					
Education, Rehabilitation	32270	R280-201	5YR	01/05/2009	2009-3/86
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
confidentiality					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
confidentiality of information					
Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
Workforce Services, Unemployment Insurance	32805	R994-312	5YR	07/08/2009	2009-15/124
conflict					
Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
conflict of interest					
Human Resource Management, Administration	32594	R477-9	AMD	07/01/2009	2009-10/108
consumer					
Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
contractors					
Administrative Services, Facilities Construction and Management	32771	R23-23	EMR	07/01/2009	2009-14/63
Capitol Preservation Board (State), Administration	32769	R131-13	EMR	07/01/2009	2009-14/65
Commerce, Occupational and Professional Licensing	32438	R156-55a	AMD	05/11/2009	2009-7/3
	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
contracts					
Administrative Services, Facilities Construction and Management	32771	R23-23	EMR	07/01/2009	2009-14/63
Capitol Preservation Board (State), Administration	32769	R131-13	EMR	07/01/2009	2009-14/65
	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
	32768	R916-5	EMR	07/01/2009	2009-14/78
controlled substances					
Commerce, Occupational and Professional Licensing	32540	R156-37	NSC	05/27/2009	Not Printed
	32411	R156-37-609a	AMD	04/21/2009	2009-6/18
corrections					
Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
cost sharing					
Health, Health Care Financing, Coverage and Reimbursement Policy	32621	R414-200	AMD	07/01/2009	2009-10/65

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32230	R414-200	AMD	02/24/2009	2009-2/31
counselors Education, Administration	32256	R277-462	AMD	02/24/2009	2009-2/16
	32446	R277-462	AMD	05/08/2009	2009-7/5
coverage Workforce Services, Unemployment Insurance	32803	R994-310	5YR	07/08/2009	2009-15/123
coverage groups Health, Health Care Financing, Coverage and Reimbursement Policy	32746	R414-303-11	EMR	07/01/2009	2009-14/68
covered-at-work Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
	32626	R414-310	AMD	07/01/2009	2009-10/67
	32749	R414-310	EMR	07/01/2009	2009-14/72
credit enhancements Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
credit insurance filings Insurance, Administration	32469	R590-228	5YR	03/26/2009	2009-8/64
credit services Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
criminal records Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32208	R722-900	NSC	01/12/2009	Not Printed
crops Commerce, Corporations and Commercial Code	32519	R154-1-7	NSC	05/14/2009	Not Printed
curation Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
curricula Education, Administration	32313	R277-700	AMD	03/10/2009	2009-3/17
	32314	R277-705	AMD	03/10/2009	2009-3/20
custody Education, Administration	32269	R277-735	5YR	01/05/2009	2009-3/85
dairy inspections Agriculture and Food, Regulatory Services	32742	R70-310	5YR	06/24/2009	2009-14/82
data standards Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
deadlines Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
deception detection examiner Commerce, Occupational and Professional Licensing	32473	R156-64-302a	NSC	04/14/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
deception detection intern					
Commerce, Occupational and Professional Licensing	32473	R156-64-302a	NSC	04/14/2009	Not Printed
decommissioning					
Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
definitions					
Administrative Services, Fleet Operations	32189	R27-1-2	AMD	04/20/2009	2009-1/5
Environmental Quality, Air Quality	32783	R307-101	5YR	07/02/2009	2009-15/122
	32458	R307-101-2	AMD	07/02/2009	2009-8/6
	32351	R307-101-3	AMD	05/07/2009	2009-5/8
Environmental Quality, Drinking Water	32443	R309-110-4	AMD	05/12/2009	2009-7/18
Human Resource Management, Administration	32634	R477-1	AMD	07/01/2009	2009-10/80
delegation					
Administrative Services, Facilities Construction and Management	32699	R23-29	5YR	06/01/2009	2009-12/76
	32399	R23-29	NSC	06/01/2009	Not Printed
demonstration					
Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13
	32749	R414-310	EMR	07/01/2009	2009-14/72
	32626	R414-310	AMD	07/01/2009	2009-10/67
dental					
Health, Health Care Financing, Coverage and Reimbursement Policy	32625	R414-51	AMD	07/01/2009	2009-10/62
dental hygienists					
Commerce, Occupational and Professional Licensing	32655	R156-69	AMD	07/09/2009	2009-11/17
dentists					
Commerce, Occupational and Professional Licensing	32655	R156-69	AMD	07/09/2009	2009-11/17
depredation					
Natural Resources, Wildlife Resources	32299	R657-44-3	AMD	03/10/2009	2009-3/69
design					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
developmentally disabled					
Agriculture and Food, Administration	32537	R51-4-1	NSC	05/14/2009	Not Printed
	32303	R907-62-7	NSC	02/05/2009	Not Printed
	32161	R907-62-7	NSC	02/05/2009	Not Printed
dietitians					
Commerce, Occupational and Professional Licensing	32478	R156-49-304	NSC	04/14/2009	Not Printed
direct filtration					
Environmental Quality, Drinking Water	32409	R309-530-6	AMD	04/27/2009	2009-6/34

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
disabilities					
Human Services, Services for People with Disabilities	32521	R539-5	AMD	06/29/2009	2009-9/22
	32308	R539-5-8	EMR	01/15/2009	2009-3/81
Workforce Services, Administration	32237	R982-101	NSC	01/22/2009	Not Printed
disabled persons					
Administrative Services, Administration	32204	R13-3	AMD	02/26/2009	2009-1/3
	32431	R13-3-8	NSC	03/26/2009	Not Printed
Education, Rehabilitation	32270	R280-201	5YR	01/05/2009	2009-3/86
	32271	R280-202	5YR	01/05/2009	2009-3/86
discharge permits					
Environmental Quality, Water Quality	32340	R317-8	AMD	04/07/2009	2009-4/21
disciplinary actions					
Education, Administration	32221	R277-609-1	NSC	01/22/2009	Not Printed
discipline of employees					
Human Resource Management, Administration	32596	R477-11	AMD	07/01/2009	2009-10/111
	32641	R477-14	AMD	07/01/2009	2009-10/115
discrimination					
Agriculture and Food, Administration	32537	R51-4-1	NSC	05/14/2009	Not Printed
Labor Commission, Adjudication	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
Transportation, Administration	32303	R907-62-7	NSC	02/05/2009	Not Printed
	32161	R907-62-7	NSC	02/05/2009	Not Printed
dismissal of employees					
Human Resource Management, Administration	32596	R477-11	AMD	07/01/2009	2009-10/111
disruptive students					
Education, Administration	32221	R277-609-1	NSC	01/22/2009	Not Printed
diversion programs					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
dogs					
Natural Resources, Wildlife Resources	32721	R657-46	5YR	06/09/2009	2009-13/85
domestic violence					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
drinking water					
Environmental Quality, Drinking Water	32444	R309-105-6	AMD	05/12/2009	2009-7/16
	32443	R309-110-4	AMD	05/12/2009	2009-7/18
	32445	R309-500	AMD	05/12/2009	2009-7/19
	32406	R309-510	AMD	04/27/2009	2009-6/28
	32168	R309-515-7	AMD	02/15/2009	2008-24/3
	32407	R309-520	AMD	04/27/2009	2009-6/32

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32408	R309-525-11	AMD	04/27/2009	2009-6/33
	32409	R309-530-6	AMD	04/27/2009	2009-6/34
	32169	R309-540-6	AMD	02/15/2009	2008-24/5
	32410	R309-545-15	AMD	04/27/2009	2009-6/36
drip irrigation					
Environmental Quality, Water Quality	32779	R317-401	5YR	07/01/2009	2009-14/82
drug abuse					
Human Resource Management, Administration	32641	R477-14	AMD	07/01/2009	2009-10/115
drug/alcohol education					
Human Resource Management, Administration	32641	R477-14	AMD	07/01/2009	2009-10/115
dual employment					
Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
dual enrollment					
Education, Administration	32649	R277-438	5YR	05/04/2009	2009-11/56
due process					
Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
education					
Commerce, Real Estate	31998	R162-103	AMD	01/01/2009	2008-21/23
Education, Administration	32566	R277-470-9	NSC	05/27/2009	Not Printed
	32663	R277-470-12	NSC	05/12/2009	Not Printed
education finance					
Education, Administration	32374	R277-425	5YR	02/13/2009	2009-5/26
educational testing					
Education, Administration	32310	R277-473	AMD	03/10/2009	2009-3/10
	32511	R277-702	AMD	06/09/2009	2009-9/13
	32376	R277-712	5YR	02/13/2009	2009-5/27
educational tuition					
Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
educator licensing					
Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
	32450	R277-502-4	AMD	05/08/2009	2009-7/15
	32143	R277-518	AMD	01/07/2009	2008-23/7
educators					
Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
	32312	R277-510	AMD	03/10/2009	2009-3/14
	32144	R277-520-1	AMD	01/07/2009	2008-23/9
efficiency					
Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
effluent standards					
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
elderly					
Human Services, Aging and Adult Services	32471	R510-400	R&R	05/27/2009	2009-8/9
elections					
Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
	32513	R623-3	5YR	04/07/2009	2009-9/54
electronic data interchange					
Health, Administration	32738	R380-25	5YR	06/22/2009	2009-14/83
electronic devices					
Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
electronic high school					
Education, Administration	32509	R277-725	5YR	04/07/2009	2009-9/50
electronic submissions					
Environmental Quality, Water Quality	32341	R317-1-9	AMD	04/07/2009	2009-4/17
eligibility					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
emergency medical services					
Health, Health Systems Improvement, Emergency Medical Services	32499	R426-5	AMD	06/08/2009	2009-9/16
	32084	R426-5-4	AMD	02/24/2009	2008-22/25
	32618	R426-6	AMD	07/09/2009	2009-10/77
	32279	R426-7-5	NSC	02/05/2009	Not Printed
	32615	R426-8	AMD	07/08/2009	2009-10/79
	31919	R426-8-4	AMD	01/13/2009	2008-18/29
	32384	R426-12-1400	NSC	03/14/2009	Not Printed
	32280	R426-13-1300	NSC	02/05/2009	Not Printed
	32281	R426-14-600	NSC	02/05/2009	Not Printed
	32282	R426-15-700	NSC	02/05/2009	Not Printed
employee benefit plans					
Human Resource Management, Administration	32603	R477-6	AMD	07/01/2009	2009-10/94
employee performance evaluations					
Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
employee productivity					
Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
employee termination					
Workforce Services, Unemployment Insurance	32534	R994-405-3	NSC	05/14/2009	Not Printed
employee's rights					
Workforce Services, Unemployment Insurance	32534	R994-405-3	NSC	05/14/2009	Not Printed
employees' rights					
Human Resource Management, Administration	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
employment					
Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
	32630	R477-4	AMD	07/01/2009	2009-10/89
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
	32593	R477-5	AMD	07/01/2009	2009-10/93
Workforce Services, Unemployment Insurance	32535	R994-202	AMD	06/18/2009	2009-9/45
	32534	R994-405-3	NSC	05/14/2009	Not Printed
employment support procedures					
Workforce Services, Employment Development	32239	R986-100	NSC	01/22/2009	Not Printed
employment tests					
Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
energy					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
	32330	R638-3	AMD	04/06/2009	2009-4/37
enforcement					
Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
enforcement (administrative)					
Transportation, Administration	32214	R907-1	AMD	04/14/2009	2009-1/45
engineering					
Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
engineers					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
enrollment options					
Education, Administration	32265	R277-437	5YR	01/05/2009	2009-3/83
environment					
Tax Commission, Auditing	32392	R865-7H	5YR	02/19/2009	2009-6/93
environmental assessment					
Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
environmental health scientist Commerce, Occupational and Professional Licensing	32652	R156-20a	AMD	07/09/2009	2009-11/11
environmental health scientist-in-training Commerce, Occupational and Professional Licensing	32652	R156-20a	AMD	07/09/2009	2009-11/11
escrow insurance Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
	32664	R592-13	NSC	05/12/2009	Not Printed
evaluation cycles Judicial Performance Evaluation Commission, Administration	32421	R597-3	NEW	05/01/2009	2009-6/67
exiting provider Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
expenses Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
extracurricular Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
eyeglasses Health, Health Care Financing, Coverage and Reimbursement Policy	32226	R414-53	AMD	02/24/2009	2009-2/27
facilities Education, Administration	32268	R277-724	5YR	01/05/2009	2009-3/85
facilities use Capitol Preservation Board (State), Administration	32343	R131-2	AMD	03/26/2009	2009-4/9
facility Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/56
fair employment practices Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
	32630	R477-4	AMD	07/01/2009	2009-10/89
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
family employment program Workforce Services, Employment Development	32672	R986-200-239	AMD	07/08/2009	2009-11/52
	32114	R986-200-240	AMD	01/06/2009	2008-22/41
	32209	R986-200-246	AMD	02/12/2009	2009-1/48
federal election reform Lieutenant Governor, Elections	32513	R623-3	5YR	04/07/2009	2009-9/54
feed contamination Agriculture and Food, Plant Industry	32031	R68-2-3	AMD	02/25/2009	2008-21/4

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
fees					
Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
Natural Resources, Parks and Recreation	32470	R651-611-4	AMD	06/10/2009	2009-8/48
filtration					
Environmental Quality, Drinking Water	32408	R309-525-11	AMD	04/27/2009	2009-6/33
financial assistance					
Environmental Quality, Drinking Water	32029	R309-705	AMD	01/28/2009	2008-21/40
financial information					
Human Services, Recovery Services	32386	R527-10	AMD	07/13/2009	2009-6/58
financial reimbursement					
Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
fingerprinting					
Human Services, Administration, Administrative Services, Licensing	32193	R501-14	NSC	01/12/2009	Not Printed
fire prevention					
Public Safety, Fire Marshal	32466	R710-9	AMD	05/27/2009	2009-8/55
fire safe cigarettes					
Public Safety, Fire Marshal	32461	R710-13	NSC	04/13/2009	Not Printed
firearms					
Administrative Services, Fleet Operations, Surplus Property	32362	R28-2-3	AMD	05/11/2009	2009-5/2
fireworks					
Public Safety, Fire Marshal	32451	R710-2-6	AMD	05/12/2009	2009-7/33
fish					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
	32679	R657-60	EMR	05/19/2009	2009-12/72
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
fishing					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
flocculation					
Environmental Quality, Drinking Water	32408	R309-525-11	AMD	04/27/2009	2009-6/33
food inspection					
Agriculture and Food, Regulatory Services	32289	R70-630	5YR	01/08/2009	2009-3/83
food programs					
Education, Administration	32268	R277-724	5YR	01/05/2009	2009-3/85
food services					
Health, Epidemiology and Laboratory Services, Environmental Services	32370	R392-101	5YR	02/12/2009	2009-5/30
foster care					
Human Services, Administration, Administrative Services, Licensing	32192	R501-12-8	NSC	01/12/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Human Services, Child and Family Services	32455	R512-2	AMD	05/27/2009	2009-8/18
	32456	R512-32	AMD	05/27/2009	2009-8/19
	32658	R512-306	5YR	05/07/2009	2009-11/58
	32182	R512-309	NEW	01/21/2009	2008-24/24
freedom of information					
Agriculture and Food, Administration	32573	R51-3	NSC	05/27/2009	Not Printed
	32493	R182-1	NSC	05/14/2009	Not Printed
freedom of religion					
Education, Administration	32648	R277-105	5YR	05/04/2009	2009-11/56
fuel					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
game laws					
Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32462	R657-5-73	NSC	04/14/2009	Not Printed
	32300	R657-17-4	AMD	03/10/2009	2009-3/61
	32319	R657-33-19	AMD	03/24/2009	2009-4/50
general licenses					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
	32050	R313-21	AMD	02/11/2009	2008-21/47
geothermal natural bathing places					
Health, Epidemiology and Laboratory Services, Environmental Services	32393	R392-303	NEW	07/13/2009	2009-6/37
geothermal pools					
Health, Epidemiology and Laboratory Services, Environmental Services	32393	R392-303	NEW	07/13/2009	2009-6/37
geothermal spas					
Health, Epidemiology and Laboratory Services, Environmental Services	32393	R392-303	NEW	07/13/2009	2009-6/37
gifted children					
Education, Administration	32376	R277-712	5YR	02/13/2009	2009-5/27
government corporations					
Workforce Services, Unemployment Insurance	32804	R994-311	5YR	07/08/2009	2009-15/123
government documents					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
Agriculture and Food, Administration	32573	R51-3	NSC	05/27/2009	Not Printed
	32493	R182-1	NSC	05/14/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32668	R305-1	NSC	06/09/2009	Not Printed
government ethics					
Human Resource Management, Administration	32594	R477-9	AMD	07/01/2009	2009-10/108
government hearing					
Commerce, Corporations and Commercial Code	32518	R154-100-2	NSC	05/14/2009	Not Printed
government hearings					
Human Resource Management, Administration	32596	R477-11	AMD	07/01/2009	2009-10/111
government purchasing					
Administrative Services, Purchasing and General Services	31983	R33-6	NSC	01/29/2009	Not Printed
	32344	R33-6	5YR	01/29/2009	2009-4/55
	31984	R33-7	NSC	01/29/2009	Not Printed
	32345	R33-7	5YR	01/29/2009	2009-4/55
	31985	R33-9	NSC	01/29/2009	Not Printed
	32346	R33-9	5YR	01/29/2009	2009-4/56
government records access					
Crime Victim Reparations, Administration	32395	R270-4	5YR	02/19/2009	2009-6/92
governmental documents					
Administrative Services, Records Committee	32360	R35-5	NSC	02/26/2009	Not Printed
GRAMA					
Environmental Quality, Administration	32668	R305-1	NSC	06/09/2009	Not Printed
Regents (Board Of), Salt Lake Community College	32433	R784-1	5YR	03/09/2009	2009-7/38
GRAMA compliance					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
grants					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
graywater					
Environmental Quality, Water Quality	32779	R317-401	5YR	07/01/2009	2009-14/82
great seal					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	2009-9/53
grievance procedures					
Administrative Services, Administration	32204	R13-3	AMD	02/26/2009	2009-1/3
	32431	R13-3-8	NSC	03/26/2009	Not Printed
	32429	R137-1	NSC	04/07/2009	Not Printed
	32286	R137-1-2	EMR	01/08/2009	2009-3/77
	32287	R137-1-2	AMD	05/06/2009	2009-3/5
	32514	R137-1-21	NSC	05/14/2009	Not Printed
	32288	R137-1-22	EMR	01/08/2009	2009-3/79
	32290	R137-1-22	AMD	05/06/2009	2009-3/7

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
grievances					
Agriculture and Food, Administration	32537	R51-4-1	NSC	05/14/2009	Not Printed
	32598	R477-3	AMD	07/01/2009	2009-10/88
	32596	R477-11	AMD	07/01/2009	2009-10/111
	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
hardship grants					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
Hatch Act					
Human Resource Management, Administration	32594	R477-9	AMD	07/01/2009	2009-10/108
hazardous materials transportation					
Transportation, Motor Carrier	32490	R909-75	AMD	06/11/2009	2009-8/60
hazardous substances					
Transportation, Motor Carrier	32490	R909-75	AMD	06/11/2009	2009-8/60
hazardous waste					
Environmental Quality, Solid and Hazardous Waste	32137	R315-1-1	AMD	01/15/2009	2008-23/17
	32138	R315-2	AMD	01/15/2009	2008-23/19
	32231	R315-15-13	NSC	01/22/2009	Not Printed
Transportation, Motor Carrier	32490	R909-75	AMD	06/11/2009	2009-8/60
health					
Health, Administration	32738	R380-25	5YR	06/22/2009	2009-14/83
health care professionals					
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
health care quality					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
health insurance					
Administrative Services, Facilities Construction and Management	32771	R23-23	EMR	07/01/2009	2009-14/63
Capitol Preservation Board (State), Administration	32769	R131-13	EMR	07/01/2009	2009-14/65
Human Services, Recovery Services	32386	R527-10	AMD	07/13/2009	2009-6/58
	32492	R527-201	AMD	06/09/2009	2009-9/18
Insurance, Administration	32272	R590-126-4	AMD	03/12/2009	2009-3/45
Transportation, Operations, Construction	32768	R916-5	EMR	07/01/2009	2009-14/78
health insurance filings					
Insurance, Administration	32442	R590-220	5YR	03/12/2009	2009-7/37
health insurance in state contracts					
Transportation, Operations, Construction	32768	R916-5	EMR	07/01/2009	2009-14/78
health maintenance organization					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
health reform					
Transportation, Operations, Construction	32768	R916-5	EMR	07/01/2009	2009-14/78
hearing aids					
Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
hearing instrument intern					
Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
hearing instrument specialist					
Commerce, Occupational and Professional Licensing	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
hearings					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
Help America Vote Act					
Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
high school					
Regents (Board Of), Administration	32665	R765-603	NSC	05/12/2009	Not Printed
highly qualified					
Education, Administration	32312	R277-510	AMD	03/10/2009	2009-3/14
highways					
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
hiring practices					
Human Resource Management, Administration	32630	R477-4	AMD	07/01/2009	2009-10/89
	32426	R477-4-4	EMR	03/02/2009	2009-6/86
historic sites					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
holidays					
Human Resource Management, Administration	32627	R477-7	AMD	07/01/2009	2009-10/98
home care services					
Human Services, Aging and Adult Services	32471	R510-400	R&R	05/27/2009	2009-8/9
horses					
Agriculture and Food, Marketing and Development	32401	R65-7	AMD	04/21/2009	2009-6/4

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
hostile work environment					
Human Resource Management, Administration	32590	R477-15	AMD	07/01/2009	2009-10/117
hot springs					
Health, Epidemiology and Laboratory Services, Environmental Services	32393	R392-303	NEW	07/13/2009	2009-6/37
housing finance					
Housing Corporation (Utah), Administration	32211	R460-7-2	NSC	01/12/2009	Not Printed
human services					
Human Services, Administration, Administrative Services, Licensing	32190	R501-1	NSC	01/12/2009	Not Printed
	32191	R501-4-7	NSC	01/12/2009	Not Printed
	32192	R501-12-8	NSC	01/12/2009	Not Printed
hunting					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
hunting and fishing licenses					
Natural Resources, Wildlife Resources	32300	R657-17-4	AMD	03/10/2009	2009-3/61
hybrid vehicles					
Transportation, Program Development	32076	R926-11	NEW	01/05/2009	2008-22/39
hydropneumatic systems					
Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
ignition interlock systems					
Public Safety, Driver License	32507	R708-31	5YR	04/07/2009	2009-9/57
implements of husbandry					
Transportation, Motor Carrier	32488	R909-1-1	AMD	06/11/2009	2009-8/60
in-service training					
Public Safety, Peace Officer Standards and Training	32472	R728-502	5YR	03/30/2009	2009-8/65
incidents					
Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
income					
Health, Health Care Financing, Coverage and Reimbursement Policy	32746	R414-303-11	EMR	07/01/2009	2009-14/68
Human Services, Recovery Services	32565	R527-300	AMD	06/30/2009	2009-10/118
independent contractor					
Workforce Services, Unemployment Insurance	32242	R994-204-402	NSC	01/22/2009	Not Printed
independent foster care adolescent					
Health, Health Care Financing, Coverage and Reimbursement Policy	32746	R414-303-11	EMR	07/01/2009	2009-14/68
Indian affairs					
Community and Culture, Indian Affairs	32522	R230-1	NSC	05/14/2009	Not Printed
individual home booster pumps					
Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
industrial waste					
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
informal procedures					
Community and Culture, Library	32295	R223-1	NSC	02/05/2009	Not Printed
information technology resources					
Technology Services, Administration	32705	R895-7	5YR	06/03/2009	2009-13/86
infrastructure assistance					
Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
	32082	R940-3-2	NSC	01/12/2009	Not Printed
inmates					
Education, Administration	32269	R277-735	5YR	01/05/2009	2009-3/85
	32067	R671-201	AMD	02/25/2009	2008-22/29
inpsections					
Agriculture and Food, Plant Industry	32332	R68-7	AMD	03/26/2009	2009-4/4
inspections					
Agriculture and Food, Animal Industry	32397	R58-20	5YR	02/23/2009	2009-6/90
	32692	R58-20-13	NSC	06/18/2009	Not Printed
Agriculture and Food, Regulatory Services	32570	R70-940	AMD	06/22/2009	2009-10/6
instructional materials					
Education, Administration	32257	R277-469	AMD	02/24/2009	2009-2/20
	32369	R277-469-3	NSC	02/26/2009	Not Printed
instructor certification					
Public Safety, Peace Officer Standards and Training	32472	R728-502	5YR	03/30/2009	2009-8/65
insurance					
Human Resource Management, Administration	32603	R477-6	AMD	07/01/2009	2009-10/94
	32491	R590-146-20	AMD	06/02/2009	2009-8/46
	32703	R590-146-20	NSC	06/29/2009	Not Printed
	32320	R590-148-22	NSC	02/25/2009	Not Printed
	32403	R590-149-7	NSC	03/14/2009	Not Printed
	32529	R590-166	5YR	04/15/2009	2009-9/51
	32405	R590-170	5YR	02/25/2009	2009-6/92
	32667	R590-211	REP	07/08/2009	2009-11/38
	32579	R590-222	AMD	06/25/2009	2009-10/120
	32702	R590-230	5YR	06/02/2009	2009-13/84
insurance company financial reporting					
Insurance, Administration	32674	R590-254	NEW	07/08/2009	2009-11/39
insurance law					
Insurance, Administration	32532	R590-98	5YR	04/15/2009	2009-9/51
	32322	R590-131-3	NSC	02/25/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32530	R590-190	5YR	04/15/2009	2009-9/52
	32533	R590-191	5YR	04/15/2009	2009-9/52
	32756	R590-192	5YR	06/25/2009	2009-14/84
insurance licensing Insurance, Administration	32435	R590-195	5YR	03/11/2009	2009-7/36
insurance licensing requirements Insurance, Administration	32541	R590-244	NEW	07/01/2009	2009-10/126
interconnection Public Service Commission, Administration	32283	R746-365	5YR	01/06/2009	2009-3/88
interest buy-downs Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
international baccalaureate Education, Administration	32419	R277-710	AMD	04/21/2009	2009-6/27
international guest teachers Education, Administration	32145	R277-527	NEW	01/07/2009	2008-23/11
	32285	R277-527-3	NSC	02/05/2009	Not Printed
Internet access Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
interns Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
interstate highway systems Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
inventories Environmental Quality, Air Quality	32353	R307-150	5YR	02/05/2009	2009-5/28
investigations Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
investment advisers Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32367	R628-19	5YR	02/10/2009	2009-5/31
IT planning Technology Services, Administration	32714	R895-6	5YR	06/08/2009	2009-13/85
job descriptions Human Resource Management, Administration	32598	R477-3	AMD	07/01/2009	2009-10/88
judges Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
	32421	R597-3	NEW	05/01/2009	2009-6/67
judicial performance evaluations Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32421	R597-3	NEW	05/01/2009	2009-6/67
judiciary Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
juvenile corrections Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
	32452	R547-6-3	NSC	04/14/2009	Not Printed
laboratories Health, Epidemiology and Laboratory Services, Laboratory Improvement	31910	R444-14	AMD	01/12/2009	2008-18/42
land sales Natural Resources, Wildlife Resources	32210	R657-61	AMD	02/09/2009	2009-1/40
land use Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54
law Public Safety, Fire Marshal	32466	R710-9	AMD	05/27/2009	2009-8/55
law enforcement officer certification Public Safety, Administration	32404	R698-4	5YR	02/25/2009	2009-6/93
law enforcement officers Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
	32472	R728-502	5YR	03/30/2009	2009-8/65
lead-based paint Environmental Quality, Air Quality	32350	R307-840	AMD	05/07/2009	2009-5/9
	32656	R307-840	5YR	05/07/2009	2009-11/57
learner permit Public Safety, Driver License	32506	R708-26	5YR	04/07/2009	2009-9/56
	32505	R708-26-2	NSC	05/14/2009	Not Printed
leave benefits Human Resource Management, Administration	32627	R477-7	AMD	07/01/2009	2009-10/98
libraries Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
license Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32088	R722-310	AMD	01/01/2009	2008-22/34
license plates Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
licenses Education, Administration	32144	R277-520-1	AMD	01/07/2009	2008-23/9

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
licensing					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
	32653	R156-5a	AMD	07/09/2009	2009-11/4
	32661	R156-17b	AMD	07/09/2009	2009-11/5
	32652	R156-20a	AMD	07/09/2009	2009-11/11
	32212	R156-31b	AMD	05/01/2009	2009-1/13
	32212	R156-31b	CPR	05/01/2009	2009-6/78
	32662	R156-31b	AMD	07/09/2009	2009-11/14
	32365	R156-31b-607	NSC	02/26/2009	Not Printed
	32430	R156-31c	AMD	05/11/2009	2009-7/2
	32540	R156-37	NSC	05/27/2009	Not Printed
	32411	R156-37-609a	AMD	04/21/2009	2009-6/18
	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32479	R156-40-302f	NSC	04/14/2009	Not Printed
	32413	R156-42a	5YR	02/26/2009	2009-6/90
	32356	R156-44a	5YR	02/05/2009	2009-5/24
	32398	R156-46a	5YR	02/24/2009	2009-6/91
	32235	R156-46a-302c	NSC	01/22/2009	Not Printed
	32478	R156-49-304	NSC	04/14/2009	Not Printed
	32412	R156-54	AMD	04/21/2009	2009-6/20
	32438	R156-55a	AMD	05/11/2009	2009-7/3
	32477	R156-55d-302a	NSC	04/14/2009	Not Printed
	32001	R156-56	AMD	01/01/2009	2008-21/9
	32476	R156-56-302	NSC	04/14/2009	Not Printed
	32366	R156-61	5YR	02/10/2009	2009-5/25
	32475	R156-63a	NSC	04/14/2009	Not Printed
	32708	R156-63a	NSC	06/29/2009	Not Printed
	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
	32473	R156-64-302a	NSC	04/14/2009	Not Printed
	32655	R156-69	AMD	07/09/2009	2009-11/17
	32551	R156-81	NEW	06/22/2009	2009-10/40
Human Services, Administration, Administrative Services, Licensing	32190	R501-1	NSC	01/12/2009	Not Printed
	32191	R501-4-7	NSC	01/12/2009	Not Printed
	32192	R501-12-8	NSC	01/12/2009	Not Printed
	32193	R501-14	NSC	01/12/2009	Not Printed
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
Public Safety, Driver License	32502	R708-10	5YR	04/07/2009	2009-9/55
	32504	R708-24	5YR	04/07/2009	2009-9/56
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
	32670	R859-1-301	AMD	07/14/2009	2009-11/48
	32671	R859-1-501	AMD	07/14/2009	2009-11/49
	32669	R859-1-802	AMD	07/14/2009	2009-11/51

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
liens					
Commerce, Corporations and Commercial Code	32519	R154-1-7	NSC	05/14/2009	Not Printed
life insurance					
Insurance, Administration	32531	R590-93	5YR	04/15/2009	2009-9/50
life insurance filings					
Insurance, Administration	32467	R590-226	5YR	03/26/2009	2009-8/63
life settlement					
Insurance, Administration	32579	R590-222	AMD	06/25/2009	2009-10/120
liquefied petroleum gas					
Public Safety, Fire Marshal	32538	R710-6	AMD	06/10/2009	2009-9/30
loan origination					
Commerce, Real Estate	32694	R162-201	5YR	05/27/2009	2009-12/77
	32695	R162-210	5YR	05/27/2009	2009-12/77
loans					
Environmental Quality, Drinking Water	32028	R309-700	AMD	01/28/2009	2008-21/34
	32029	R309-705	AMD	01/28/2009	2008-21/40
Environmental Quality, Water Quality	32480	R317-101-2	AMD	06/11/2009	2009-8/8
Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
lobbyist					
Lieutenant Governor, Elections	32508	R623-1	5YR	04/07/2009	2009-9/53
long-term care alternatives					
Human Services, Aging and Adult Services	32471	R510-400	R&R	05/27/2009	2009-8/9
lt. governor					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	2009-9/53
management					
Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54
mathematics					
Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
Medicaid					
Health, Health Care Financing, Coverage and Reimbursement Policy	32329	R414-1-5	AMD	04/01/2009	2009-4/26
	32102	R414-1-5	AMD	01/01/2009	2008-22/22
	32637	R414-1-5	AMD	07/01/2009	2009-10/56
	32325	R414-9	5YR	01/26/2009	2009-4/56
	32623	R414-14-5	AMD	07/01/2009	2009-10/57
	32223	R414-14-5	AMD	02/24/2009	2009-2/23
	32619	R414-21-2	AMD	07/01/2009	2009-10/59
	32224	R414-21-2	AMD	02/24/2009	2009-2/25
	32064	R414-27	CPR	05/12/2009	2009-5/22
	32064	R414-27	AMD	05/12/2009	2008-21/54
	32617	R414-49	AMD	07/01/2009	2009-10/60

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32622	R414-50-3	AMD	07/01/2009	2009-10/61
	32625	R414-51	AMD	07/01/2009	2009-10/62
	32225	R414-52	AMD	02/24/2009	2009-2/26
	32226	R414-53	AMD	02/24/2009	2009-2/27
	32432	R414-54	5YR	03/09/2009	2009-7/36
	32227	R414-54	AMD	02/24/2009	2009-2/28
	32326	R414-54-3	AMD	04/01/2009	2009-4/27
	32638	R414-54-3	AMD	07/01/2009	2009-10/63
	32327	R414-59-4	AMD	04/01/2009	2009-4/28
	32228	R414-59-4	AMD	02/24/2009	2009-2/29
	32639	R414-59-4	AMD	07/01/2009	2009-10/64
	32659	R414-60B-4	EMR	05/18/2009	2009-11/54
	32352	R414-99	5YR	02/04/2009	2009-5/30
	32229	R414-99-2	AMD	02/24/2009	2009-2/30
	32621	R414-200	AMD	07/01/2009	2009-10/65
	32230	R414-200	AMD	02/24/2009	2009-2/31
	32252	R414-301-4	NSC	01/22/2009	Not Printed
	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
	32186	R414-310	AMD	01/22/2009	2008-24/13
	32626	R414-310	AMD	07/01/2009	2009-10/67
	32749	R414-310	EMR	07/01/2009	2009-14/72
	32187	R414-320	AMD	01/22/2009	2008-24/15
	32629	R414-320	AMD	07/01/2009	2009-10/68
	32751	R414-320	EMR	07/01/2009	2009-14/75
	32755	R414-401	5YR	06/25/2009	2009-14/83
	32631	R414-401-3	AMD	07/01/2009	2009-10/72
	32633	R414-504	AMD	07/01/2009	2009-10/73
	32440	R414-510	AMD	05/21/2009	2009-7/24
Human Services, Recovery Services	32492	R527-201	AMD	06/09/2009	2009-9/18
membrane technology					
Environmental Quality, Drinking Water	32409	R309-530-6	AMD	04/27/2009	2009-6/34
mental retardation					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/62
midwifery					
Commerce, Occupational and Professional Licensing	32356	R156-44a	5YR	02/05/2009	2009-5/24
mini-COBRA insurance					
Insurance, Administration	32495	R590-253	EMR	04/02/2009	2009-9/48
	32528	R590-253	NEW	07/01/2009	2009-9/24
minimum sizing					
Environmental Quality, Drinking Water	32406	R309-510	AMD	04/27/2009	2009-6/28

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
minority education					
Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
mortgage renewal license term					
Commerce, Real Estate	32422	R162-211	NEW	04/29/2009	2009-6/24
motor fuels					
Agriculture and Food, Regulatory Services	32570	R70-940	AMD	06/22/2009	2009-10/6
motor vehicles					
Administrative Services, Fleet Operations	32291	R27-10	AMD	04/20/2009	2009-3/4
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Motor Vehicle Enforcement	32234	R877-23V-7	AMD	03/03/2009	2009-2/36
museum					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
museum services					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
museums					
Community and Culture, Arts and Museums, Museum Services	32108	R210-100	NEW	01/01/2009	2008-22/21
mutual funds					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
national register					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed
Native American remains					
Community and Culture, Indian Affairs	32522	R230-1	NSC	05/14/2009	Not Printed
NCLB					
Education, Administration	32267	R277-524	5YR	01/05/2009	2009-3/84
non-traditional					
Health, Health Care Financing, Coverage and Reimbursement Policy	32621	R414-200	AMD	07/01/2009	2009-10/65
	32230	R414-200	AMD	02/24/2009	2009-2/31
nonprofit organizations					
Workforce Services, Unemployment Insurance	32802	R994-309	5YR	07/08/2009	2009-15/122
nuclear medicine					
Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
nurses					
Commerce, Occupational and Professional Licensing	32212	R156-31b	AMD	05/01/2009	2009-1/13
	32212	R156-31b	CPR	05/01/2009	2009-6/78
	32662	R156-31b	AMD	07/09/2009	2009-11/14

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32365	R156-31b-607	NSC	02/26/2009	Not Printed
	32430	R156-31c	AMD	05/11/2009	2009-7/2
nursing facility Health, Health Care Financing, Coverage and Reimbursement Policy	32755	R414-401	5YR	06/25/2009	2009-14/83
	32631	R414-401-3	AMD	07/01/2009	2009-10/72
occupational licensing Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
	32438	R156-55a	AMD	05/11/2009	2009-7/3
occupational safety and health Labor Commission, Adjudication	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
occupational therapy Commerce, Occupational and Professional Licensing	32413	R156-42a	5YR	02/26/2009	2009-6/90
off-highway vehicles Natural Resources, Parks and Recreation	32301	R651-411	5YR	01/13/2009	2009-3/87
	32302	R651-411-2	NSC	02/05/2009	Not Printed
one-time signing bonuses Education, Administration	32139	R277-109-1	AMD	01/07/2009	2008-23/2
open government Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
operation and maintenance Environmental Quality, Drinking Water	32407	R309-520	AMD	04/27/2009	2009-6/32
operation and maintenance requirements Environmental Quality, Drinking Water	32445	R309-500	AMD	05/12/2009	2009-7/19
optometry Health, Health Care Financing, Coverage and Reimbursement Policy	32225	R414-52	AMD	02/24/2009	2009-2/26
organ transplants Health, Health Care Financing, Coverage and Reimbursement Policy	32324	R414-58	5YR	01/26/2009	2009-4/57
orthodontia Health, Health Care Financing, Coverage and Reimbursement Policy	32625	R414-51	AMD	07/01/2009	2009-10/62
overflow and drains Environmental Quality, Drinking Water	32410	R309-545-15	AMD	04/27/2009	2009-6/36
overtime Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
paint Environmental Quality, Air Quality	32350	R307-840	AMD	05/07/2009	2009-5/9
	32656	R307-840	5YR	05/07/2009	2009-11/57

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
paleontological resources					
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	32284	R807-1	5YR	01/06/2009	2009-3/89
paraprofessional qualifications					
Education, Administration	32267	R277-524	5YR	01/05/2009	2009-3/84
parental rights					
Human Services, Administration	32728	R495-882	5YR	06/15/2009	2009-13/84
parks					
Natural Resources, Parks and Recreation	32470	R651-611-4	AMD	06/10/2009	2009-8/48
	32339	R651-633-2	AMD	03/26/2009	2009-4/41
	32338	R651-636	NEW	03/26/2009	2009-4/42
parole					
Human Services, Juvenile Justice Services	32452	R547-6-3	NSC	04/14/2009	Not Printed
Pardons (Board Of), Administration	32067	R671-201	AMD	02/25/2009	2008-22/29
	32066	R671-405	AMD	02/25/2009	2008-22/33
passport					
Human Services, Recovery Services	32494	R527-275	NEW	06/09/2009	2009-9/20
PCN					
Health, Health Care Financing, Coverage and Reimbursement Policy	32187	R414-320	AMD	01/22/2009	2008-24/15
	32751	R414-320	EMR	07/01/2009	2009-14/75
per diem allowances					
Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
	32635	R25-7	AMD	06/23/2009	2009-10/4
performance evaluations					
Judicial Performance Evaluation Commission, Administration	32423	R597-1	NEW	05/01/2009	2009-6/66
performance measurement					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
permits					
Environmental Quality, Drinking Water	32445	R309-500	AMD	05/12/2009	2009-7/19
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
Natural Resources, Forestry, Fire and State Lands	32486	R652-70	AMD	05/26/2009	2009-8/52
Natural Resources, Wildlife Resources	32371	R657-42-4	AMD	04/07/2009	2009-5/19
	32420	R657-62	NEW	04/21/2009	2009-6/70
personal property					
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
personnel management					
Human Resource Management, Administration	32634	R477-1	AMD	07/01/2009	2009-10/80
	32593	R477-5	AMD	07/01/2009	2009-10/93
	32603	R477-6	AMD	07/01/2009	2009-10/94
	32594	R477-9	AMD	07/01/2009	2009-10/108
	32641	R477-14	AMD	07/01/2009	2009-10/115
pesticides					
Agriculture and Food, Plant Industry	32332	R68-7	AMD	03/26/2009	2009-4/4
pharmacies					
Commerce, Occupational and Professional Licensing	32661	R156-17b	AMD	07/09/2009	2009-11/5
pharmacists					
Commerce, Occupational and Professional Licensing	32661	R156-17b	AMD	07/09/2009	2009-11/5
physically handicapped					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
physicians					
Public Safety, Driver License	32202	R708-7-10	AMD	02/19/2009	2009-1/41
plan review					
Environmental Quality, Drinking Water	32445	R309-500	AMD	05/12/2009	2009-7/19
planning					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
podiatric physician					
Commerce, Occupational and Professional Licensing	32653	R156-5a	AMD	07/09/2009	2009-11/4
podiatrists					
Commerce, Occupational and Professional Licensing	32653	R156-5a	AMD	07/09/2009	2009-11/4
police training					
Public Safety, Peace Officer Standards and Training	32132	R728-402	AMD	02/05/2009	2008-23/25
policy					
Education, Administration	32141	R277-495	NEW	01/07/2009	2008-23/3
position classifications					
Human Resource Management, Administration	32598	R477-3	AMD	07/01/2009	2009-10/88
preferred provider organization					
Health, Center for Health Data, Health Care Statistics	32118	R428-12	AMD	01/08/2009	2008-23/21
prequalification.					
Transportation, Operations, Construction	32307	R916-2	NSC	02/05/2009	Not Printed
primary care					
Health, Health Care Financing, Coverage and Reimbursement Policy	32186	R414-310	AMD	01/22/2009	2008-24/13

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32626	R414-310	AMD	07/01/2009	2009-10/67
	32749	R414-310	EMR	07/01/2009	2009-14/72
primary disinfectants					
Environmental Quality, Drinking Water	32407	R309-520	AMD	04/27/2009	2009-6/32
primary term					
Natural Resources, Forestry, Fire and State Lands	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
prisons					
Corrections, Administration	31997	R251-105	AMD	02/26/2009	2008-21/31
private security officers					
Commerce, Occupational and Professional Licensing	32475	R156-63a	NSC	04/14/2009	Not Printed
	32708	R156-63a	NSC	06/29/2009	Not Printed
procurement					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
professional competency					
Education, Administration	32142	R277-502	AMD	01/07/2009	2008-23/5
	32450	R277-502-4	AMD	05/08/2009	2009-7/15
professional education					
Education, Administration	32143	R277-518	AMD	01/07/2009	2008-23/7
professional engineers					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
professional land surveyors					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
professional staff					
Education, Administration	32266	R277-486	5YR	01/05/2009	2009-3/84
prohibited items and devices					
Human Services, Substance Abuse and Mental Health	32183	R523-1-5	AMD	01/22/2009	2008-24/26
Human Services, Juvenile Justice Services	32453	R547-1	AMD	06/11/2009	2009-8/26
property casualty insurance filing					
Insurance, Administration	32439	R590-225	5YR	03/12/2009	2009-7/37
property tax					
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
property values					
Natural Resources, Wildlife Resources	32210	R657-61	AMD	02/09/2009	2009-1/40
protection					
Commerce, Consumer Protection	32382	R152-21	5YR	02/17/2009	2009-5/24
PSD					
Environmental Quality, Air Quality	32354	R307-405	5YR	02/05/2009	2009-5/28
	32042	R307-405-2	AMD	02/05/2009	2008-21/33
psychologists					
Commerce, Occupational and Professional Licensing	32366	R156-61	5YR	02/10/2009	2009-5/25
public assistance					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
public assistance programs					
Health, Health Care Financing, Coverage and Reimbursement Policy	32184	R414-308	AMD	01/26/2009	2008-24/9
	32744	R414-308-3	EMR	07/01/2009	2009-14/70
public buildings					
Administrative Services, Facilities Construction and Management	32700	R23-3	5YR	06/01/2009	2009-12/76
Capitol Preservation Board (State), Administration	32343	R131-2	AMD	03/26/2009	2009-4/9
public education					
Education, Administration	32648	R277-105	5YR	05/04/2009	2009-11/56
	32265	R277-437	5YR	01/05/2009	2009-3/83
	32649	R277-438	5YR	05/04/2009	2009-11/56
	32256	R277-462	AMD	02/24/2009	2009-2/16
	32446	R277-462	AMD	05/08/2009	2009-7/5
	32269	R277-735	5YR	01/05/2009	2009-3/85
public funds					
Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31
public health					
Health, Epidemiology and Laboratory Services, Environmental Services	32370	R392-101	5YR	02/12/2009	2009-5/30
public information					
Human Resource Management, Administration	32605	R477-2	AMD	07/01/2009	2009-10/85
public investments					
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
public library					
Community and Culture, Library	32296	R223-2	AMD	03/26/2009	2009-3/9
public meetings					
Natural Resources, Forestry, Fire and State Lands	32489	R652-90	AMD	05/26/2009	2009-8/54

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
public records					
Agriculture and Food, Administration	32573	R51-3	NSC	05/27/2009	Not Printed
	32520	R137-2	NSC	05/14/2009	Not Printed
	32493	R182-1	NSC	05/14/2009	Not Printed
	32668	R305-1	NSC	06/09/2009	Not Printed
public schools					
Education, Administration	32650	R277-916	5YR	05/04/2009	2009-11/57
public utilities					
Public Service Commission, Administration	32434	R746-360-5	AMD	05/12/2009	2009-7/34
	32283	R746-365	5YR	01/06/2009	2009-3/88
public-private partnerships					
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
pumps					
Environmental Quality, Drinking Water	32169	R309-540-6	AMD	02/15/2009	2008-24/5
radioactive material					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
radioactive materials					
Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47
	32206	R313-22-75	AMD	02/12/2009	2009-1/27
	32207	R313-32	AMD	02/12/2009	2009-1/30
radiology practical technicians					
Commerce, Occupational and Professional Licensing	32412	R156-54	AMD	04/21/2009	2009-6/20
radiology technologists					
Commerce, Occupational and Professional Licensing	32412	R156-54	AMD	04/21/2009	2009-6/20
radiopharmaceutical					
Environmental Quality, Radiation Control	32207	R313-32	AMD	02/12/2009	2009-1/30
rates					
Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
Labor Commission, Industrial Accidents	32054	R612-4-2	AMD	01/01/2009	2008-21/66
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
real estate appraisals					
Commerce, Real Estate	31998	R162-103	AMD	01/01/2009	2008-21/23
	32396	R162-105	AMD	06/01/2009	2009-6/21
real estate business					
Commerce, Real Estate	32523	R162-2	AMD	06/22/2009	2009-9/8
	32115	R162-2-2	AMD	01/08/2009	2008-22/19
	32248	R162-6	AMD	03/02/2009	2009-2/8
	32586	R162-7-1	AMD	06/22/2009	2009-10/42
record requests					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
records					
Workforce Services, Administration	32238	R982-201	NSC	01/22/2009	Not Printed
records access					
Career Service Review Board, Administration	32520	R137-2	NSC	05/14/2009	Not Printed
records appeal hearings					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32360	R35-5	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
records fees					
Human Services, Recovery Services	32159	R527-5	R&R	01/21/2009	2008-24/27
recreation					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
recreation therapy					
Commerce, Occupational and Professional Licensing	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32479	R156-40-302f	NSC	04/14/2009	Not Printed
recreational therapy					
Commerce, Occupational and Professional Licensing	32236	R156-40-302d	NSC	01/22/2009	Not Printed
	32479	R156-40-302f	NSC	04/14/2009	Not Printed
regents' scholarship					
Regents (Board Of), Administration	32665	R765-603	NSC	05/12/2009	Not Printed
rehabilitation					
Education, Rehabilitation	32271	R280-202	5YR	01/05/2009	2009-3/86
reimbursement					
Health, Health Care Financing, Coverage and Reimbursement Policy	32325	R414-9	5YR	01/26/2009	2009-4/56
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
related parties					
Human Services, Administration	32154	R495-888	NEW	01/21/2009	2008-24/18
religious activities					
Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
renewable					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
replacement provider					
Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
reporting					
Health, Community and Family Health Services, Children with Special Health Care Needs	32158	R398-10	NSC	03/19/2009	Not Printed
	32454	R398-10	5YR	03/19/2009	2009-8/62
Health, Health Systems Improvement, Emergency Medical Services	32499	R426-5	AMD	06/08/2009	2009-9/16
	32084	R426-5-4	AMD	02/24/2009	2008-22/25
reporting requirements and procedures					
Health, Community and Family Health Services, Chronic Disease	32465	R384-100	5YR	03/25/2009	2009-8/62
reports					
Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
Environmental Quality, Air Quality	32353	R307-150	5YR	02/05/2009	2009-5/28
research data requests					
Education, Administration	32448	R277-484	AMD	05/08/2009	2009-7/10
residential mortgage loan origination					
Commerce, Real Estate	32517	R162-202	AMD	06/22/2009	2009-9/10
	32347	R162-204	AMD	06/01/2009	2009-5/4
	32463	R162-204	NSC	06/01/2009	Not Printed
	32348	R162-205-1	AMD	06/01/2009	2009-5/6
restaurants					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
retirement					
Human Resource Management, Administration	32609	R477-12	AMD	07/01/2009	2009-10/113
	32424	R477-12-3	AMD	04/21/2009	2009-6/55
	32427	R477-12-3	EMR	03/02/2009	2009-6/87
RFPs					
Education, Administration	32255	R277-117	NEW	02/24/2009	2009-2/15
	32400	R277-117-2	NSC	03/14/2009	Not Printed
right-of-way					
Transportation, Administration	31961	R907-64	AMD	01/12/2009	2008-20/25
ropeways					
Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
royalties					
Natural Resources, Forestry, Fire and State Lands	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
rules and procedures					
Education, Administration	32372	R277-102	5YR	02/13/2009	2009-5/26

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32634	R477-1	AMD	07/01/2009	2009-10/80
safety					
Labor Commission, Occupational Safety and Health	32216	R614-1-4	NSC	01/13/2009	Not Printed
	32481	R614-1-4	NSC	04/14/2009	Not Printed
Labor Commission, Safety	32259	R616-2-3	AMD	02/24/2009	2009-2/34
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
safety regulations					
Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
	32490	R909-75	AMD	06/11/2009	2009-8/60
salaries					
Human Resource Management, Administration	32603	R477-6	AMD	07/01/2009	2009-10/94
salary adjustments					
Education, Administration	32140	R277-110-1	AMD	01/07/2009	2008-23/2
sales tax					
Tax Commission, Auditing	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
salt					
Natural Resources, Forestry, Fire and State Lands	32485	R652-20-1600	AMD	05/26/2009	2009-8/52
sanitarian					
Commerce, Occupational and Professional Licensing	32652	R156-20a	AMD	07/09/2009	2009-11/11
scholarships					
Education, Administration	32645	R277-602	AMD	06/23/2009	2009-10/48
	32418	R277-701-7	AMD	04/21/2009	2009-6/26
school					
Education, Administration	32375	R277-601	5YR	02/13/2009	2009-5/27
school boards					
Education, Administration	32254	R277-101	AMD	02/24/2009	2009-2/13
school buses					
Education, Administration	32644	R277-600	AMD	06/23/2009	2009-10/45
	32510	R277-601	AMD	06/09/2009	2009-9/12

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Transportation, Motor Carrier	32264	R909-3	NSC	01/05/2009	Not Printed
	32274	R909-3	5YR	01/05/2009	2009-3/89
	32273	R909-3-2	NSC	02/05/2009	Not Printed
school community councils					
Education, Administration	32449	R277-491	AMD	05/08/2009	2009-7/13
school transportation					
Education, Administration	32644	R277-600	AMD	06/23/2009	2009-10/45
	32375	R277-601	5YR	02/13/2009	2009-5/27
	32510	R277-601	AMD	06/09/2009	2009-9/12
schools					
Education, Administration	32447	R277-477	AMD	05/08/2009	2009-7/6
Natural Resources, Geological Survey	32330	R638-3	AMD	04/06/2009	2009-4/37
science					
Education, Administration	32646	R277-717-1	AMD	06/23/2009	2009-10/51
SDWA					
Environmental Quality, Drinking Water	32029	R309-705	AMD	01/28/2009	2008-21/40
search and rescue					
Public Safety, Homeland Security	32305	R704-1	NSC	02/05/2009	Not Printed
secondary disinfectants					
Environmental Quality, Drinking Water	32407	R309-520	AMD	04/27/2009	2009-6/32
securities					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32367	R628-19	5YR	02/10/2009	2009-5/31
securities regulation					
Commerce, Securities	32039	R164-15-2	AMD	01/12/2009	2008-21/28
Money Management Council, Administration	32293	R628-15-12	NSC	02/05/2009	Not Printed
	32294	R628-16-12	NSC	02/05/2009	Not Printed
security guards					
Commerce, Occupational and Professional Licensing	32475	R156-63a	NSC	04/14/2009	Not Printed
	32708	R156-63a	NSC	06/29/2009	Not Printed
	32474	R156-63b	NSC	04/14/2009	Not Printed
	32709	R156-63b-503	NSC	06/29/2009	Not Printed
sedimentation					
Environmental Quality, Drinking Water	32408	R309-525-11	AMD	04/27/2009	2009-6/33
self-administered services					
Human Services, Services for People with Disabilities	32521	R539-5	AMD	06/29/2009	2009-9/22
	32308	R539-5-8	EMR	01/15/2009	2009-3/81
senior-specific insurance designations					
Insurance, Administration	32261	R590-252	NEW	02/25/2009	2009-2/32

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
sentencing					
Pardons (Board Of), Administration	32066	R671-405	AMD	02/25/2009	2008-22/33
services					
Public Service Commission, Administration	32306	R746-350	5YR	01/14/2009	2009-3/88
settlements					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
	32277	R602-7	NEW	03/10/2009	2009-3/52
	32482	R602-7-4	AMD	05/22/2009	2009-8/47
	32278	R602-8	NEW	03/10/2009	2009-3/57
	32483	R602-8-4	AMD	05/22/2009	2009-8/48
sewage treatment					
Environmental Quality, Water Quality	32480	R317-101-2	AMD	06/11/2009	2009-8/8
sewerage					
Environmental Quality, Water Quality	32381	R317-5-1	AMD	04/07/2009	2009-5/16
shelter care facilities					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
short-term services					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
SLCC					
Regents (Board Of), Salt Lake Community College	32433	R784-1	5YR	03/09/2009	2009-7/38
slow sand filtration					
Environmental Quality, Drinking Water	32409	R309-530-6	AMD	04/27/2009	2009-6/34
social services					
Human Services, Administration, Administrative Hearings	32328	R497-100	NSC	02/25/2009	Not Printed
	32181	R497-100	AMD	01/21/2009	2008-24/21
solar					
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
solid waste management					
Environmental Quality, Solid and Hazardous Waste	32441	R315-315	AMD	05/15/2009	2009-7/22
	32378	R315-320	5YR	02/17/2009	2009-5/29
source development					
Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
source maintenance					
Environmental Quality, Drinking Water	32168	R309-515-7	AMD	02/15/2009	2008-24/3
source material					
Environmental Quality, Radiation Control	32050	R313-21	CPR	02/11/2009	2008-24/38
source materials					
Environmental Quality, Radiation Control	32050	R313-21	AMD	02/11/2009	2008-21/47

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
sovereign lands					
Natural Resources, Forestry, Fire and State Lands	32486	R652-70	AMD	05/26/2009	2009-8/52
special fuel					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53
special needs students					
Education, Administration	32645	R277-602	AMD	06/23/2009	2009-10/48
specific licenses					
Environmental Quality, Radiation Control	32206	R313-22-75	AMD	02/12/2009	2009-1/27
speech-language pathology services					
Health, Health Care Financing, Coverage and Reimbursement Policy	32432	R414-54	5YR	03/09/2009	2009-7/36
	32227	R414-54	AMD	02/24/2009	2009-2/28
	32326	R414-54-3	AMD	04/01/2009	2009-4/27
	32638	R414-54-3	AMD	07/01/2009	2009-10/63
standards					
Health, Administration	31980	R380-70	NEW	02/04/2009	2008-20/12
state custody					
Human Services, Administration	32728	R495-882	5YR	06/15/2009	2009-13/84
state employees					
Administrative Services, Finance	32632	R25-5	AMD	06/23/2009	2009-10/3
	32635	R25-7	AMD	06/23/2009	2009-10/4
Human Resource Management, Administration	32593	R477-5	AMD	07/01/2009	2009-10/93
state flag					
Lieutenant Governor, Administration	32501	R622-2	5YR	04/07/2009	2009-9/53
state lands					
Community and Culture, Indian Affairs	32522	R230-1	NSC	05/14/2009	Not Printed
state plan					
Lieutenant Governor, Elections	32513	R623-3	5YR	04/07/2009	2009-9/54
state records committee					
Administrative Services, Records Committee	32355	R35-1-4	NSC	02/26/2009	Not Printed
	32358	R35-2	NSC	02/26/2009	Not Printed
	32359	R35-4	NSC	02/26/2009	Not Printed
	32360	R35-5	NSC	02/26/2009	Not Printed
	32361	R35-6	NSC	02/26/2009	Not Printed
state register					
Community and Culture, History	32244	R212-6	NSC	01/22/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
stock brokers					
Money Management Council, Administration	32294	R628-16-12	NSC	02/05/2009	Not Printed
storage tanks					
Environmental Quality, Drinking Water	32410	R309-545-15	AMD	04/27/2009	2009-6/36
stream alterations					
Natural Resources, Water Rights	32368	R655-13	5YR	02/11/2009	2009-5/31
student competency					
Education, Administration	32511	R277-702	AMD	06/09/2009	2009-9/13
student participation					
Education, Administration	32220	R277-494-3	NSC	01/22/2009	Not Printed
	32323	R277-494-3	NSC	02/25/2009	Not Printed
student teachers					
Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
students at risk					
Education, Administration	32219	R277-464-4	NSC	01/22/2009	Not Printed
supervision					
Commerce, Occupational and Professional Licensing	32241	R156-1	AMD	02/24/2009	2009-2/2
surveyors					
Commerce, Occupational and Professional Licensing	32364	R156-22-102	AMD	04/07/2009	2009-5/3
	32500	R156-22-305	NSC	05/14/2009	Not Printed
surveys					
Judicial Performance Evaluation Commission, Administration	32421	R597-3	NEW	05/01/2009	2009-6/67
tax credits					
Environmental Quality, Air Quality	31928	R307-121	AMD	01/01/2009	2008-19/25
	32275	R307-121	5YR	01/06/2009	2009-3/86
Natural Resources, Geological Survey	32331	R638-2	AMD	04/06/2009	2009-4/29
tax exemptions					
Tax Commission, Auditing	32008	R865-19S-12	AMD	01/01/2009	2008-21/80
	32017	R865-19S-27	AMD	01/01/2009	2008-21/81
	32030	R865-19S-29	AMD	01/01/2009	2008-21/82
	32007	R865-19S-90	AMD	01/01/2009	2008-21/83
	32016	R865-19S-92	AMD	01/01/2009	2008-21/84
	32012	R865-19S-113	AMD	01/01/2009	2008-21/85
	32013	R865-19S-119	AMD	01/01/2009	2008-21/86
taxation					
Tax Commission, Auditing	32334	R865-4D-2	AMD	03/26/2009	2009-4/51
	32035	R865-4D-2	AMD	01/01/2009	2008-21/76
	32335	R865-4D-6	AMD	03/26/2009	2009-4/52
	32336	R865-4D-24	AMD	03/26/2009	2009-4/53

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	32392	R865-7H	5YR	02/19/2009	2009-6/93
	32034	R865-12L-6	AMD	01/01/2009	2008-21/78
	32032	R865-12L-12	AMD	01/01/2009	2008-21/79
	32015	R865-12L-13	AMD	01/01/2009	2008-21/79
	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
Tax Commission, Motor Vehicle	32045	R873-22M-20	AMD	01/01/2009	2008-21/88
	32037	R873-22M-23	AMD	01/01/2009	2008-21/89
Tax Commission, Motor Vehicle Enforcement	32234	R877-23V-7	AMD	03/03/2009	2009-2/36
Tax Commission, Property Tax	32260	R884-24P-19	AMD	03/03/2009	2009-2/39
	32233	R884-24P-24	AMD	03/03/2009	2009-2/42
	32063	R884-24P-27	AMD	01/01/2009	2008-21/90
	32036	R884-24P-47	AMD	01/01/2009	2008-21/92
	32044	R884-24P-53	AMD	01/01/2009	2008-21/93
	32052	R884-24P-70	AMD	01/01/2009	2008-21/97
teacher preparation programs					
Education, Administration	32311	R277-509	AMD	03/10/2009	2009-3/12
teachers					
Education, Administration	32643	R277-503-4	AMD	06/23/2009	2009-10/42
telecommunications					
Public Service Commission, Administration	32232	R746-343-3	AMD	03/03/2009	2009-2/35
	32306	R746-350	5YR	01/14/2009	2009-3/88
	32434	R746-360-5	AMD	05/12/2009	2009-7/34
	32283	R746-365	5YR	01/06/2009	2009-3/88
telecommuting					
Human Resource Management, Administration	32592	R477-8	AMD	07/01/2009	2009-10/104
textbooks					
Education, Administration	32417	R277-433	AMD	04/21/2009	2009-6/25
tickets					
Administrative Services, Fleet Operations	32292	R27-7	AMD	04/20/2009	2009-3/2
title					
Insurance, Title and Escrow Commission	32167	R592-13	NEW	01/22/2009	2008-24/31
	32664	R592-13	NSC	05/12/2009	Not Printed
title insurance					
Insurance, Administration	32316	R590-136	AMD	05/19/2009	2009-3/47
	32317	R590-187	AMD	05/19/2009	2009-3/49
Insurance, Title and Escrow Commission	32545	R592-6	REP	06/25/2009	2009-10/131
	32548	R592-6	NEW	06/25/2009	2009-10/134
	32682	R592-11-3	NSC	06/18/2009	Not Printed
title insurance continuing education					
Insurance, Title and Escrow Commission	32525	R592-7	NEW	06/25/2009	2009-9/25
	32543	R592-7	REP	06/25/2009	2009-10/137

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
title insurance recovery assessment					
Insurance, Title and Escrow Commission	32527	R592-9	NEW	06/25/2009	2009-9/29
title recovery fund assessment					
Insurance, Title and Escrow Commission	32547	R592-9	REP	06/25/2009	2009-10/141
tolls					
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
towing					
Transportation, Motor Carrier	32215	R909-19	NSC	01/12/2009	Not Printed
traffic noise abatement					
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
training					
Natural Resources, Wildlife Resources	32721	R657-46	5YR	06/09/2009	2009-13/85
training programs					
Human Resource Management, Administration	32597	R477-10	AMD	07/01/2009	2009-10/110
tramway permits					
Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
tramways					
Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
Transition to Adult Living					
Human Services, Child and Family Services	32658	R512-306	5YR	05/07/2009	2009-11/58
transportation					
Administrative Services, Finance	32635	R25-7	AMD	06/23/2009	2009-10/4
Transportation, Administration	32213	R907-66	NSC	01/12/2009	Not Printed
Transportation, Program Development	32179	R926-10	AMD	02/19/2009	2008-24/32
Transportation, Preconstruction	32000	R930-3	AMD	01/12/2009	2008-21/98
Transportation Infrastructure Loan Fund					
Transportation Commission, Administration	31920	R940-3	NEW	01/12/2009	2008-18/62
Transportation Infrastructure Loan Fund Fund					
Transportation Commission, Administration	32082	R940-3-2	NSC	01/12/2009	Not Printed
transportation safety					
Transportation, Motor Carrier	32488	R909-1-1	AMD	06/11/2009	2009-8/60
Transportation, Operations, Traffic and Safety	32515	R920-50	R&R	06/11/2009	2009-9/33
trauma					
Health, Health Systems Improvement, Emergency Medical Services	32499	R426-5	AMD	06/08/2009	2009-9/16
	32084	R426-5-4	AMD	02/24/2009	2008-22/25
trucks					
Transportation, Motor Carrier	32488	R909-1-1	AMD	06/11/2009	2009-8/60
	32215	R909-19	NSC	01/12/2009	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
trust lands funds					
Education, Administration	32447	R277-477	AMD	05/08/2009	2009-7/6
unarmed combat					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
	32670	R859-1-301	AMD	07/14/2009	2009-11/48
	32671	R859-1-501	AMD	07/14/2009	2009-11/49
	32669	R859-1-802	AMD	07/14/2009	2009-11/51
unemployment compensation					
Workforce Services, Unemployment Insurance	32535	R994-202	AMD	06/18/2009	2009-9/45
	32242	R994-204-402	NSC	01/22/2009	Not Printed
	32802	R994-309	5YR	07/08/2009	2009-15/122
	32803	R994-310	5YR	07/08/2009	2009-15/123
	32804	R994-311	5YR	07/08/2009	2009-15/123
	32805	R994-312	5YR	07/08/2009	2009-15/124
	32534	R994-405-3	NSC	05/14/2009	Not Printed
universal health insurance application					
Insurance, Administration	32640	R590-247	AMD	07/01/2009	2009-10/130
universal service					
Public Service Commission, Administration	32434	R746-360-5	AMD	05/12/2009	2009-7/34
UPP					
Health, Health Care Financing, Coverage and Reimbursement Policy	32751	R414-320	EMR	07/01/2009	2009-14/75
	32629	R414-320	AMD	07/01/2009	2009-10/68
used oil					
Environmental Quality, Solid and Hazardous Waste	32231	R315-15-13	NSC	01/22/2009	Not Printed
user tax					
Tax Commission, Auditing	32033	R865-21U-3	AMD	01/01/2009	2008-21/87
	32010	R865-21U-15	AMD	01/01/2009	2008-21/87
utah.gov					
Technology Services, Administration	32498	R895-4	5YR	04/06/2009	2009-9/57
vacations					
Human Resource Management, Administration	32627	R477-7	AMD	07/01/2009	2009-10/98
victim compensation					
Crime Victim Reparations, Administration	32673	R270-1	AMD	07/08/2009	2009-11/21
	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13
	32377	R270-1-21	AMD	06/24/2009	2009-5/7

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
victims of crime					
Crime Victim Reparations, Administration	32180	R270-1-14	AMD	01/21/2009	2008-24/3
	31950	R270-1-19	CPR	01/21/2009	2008-24/37
	31950	R270-1-19	AMD	01/21/2009	2008-19/13
	32377	R270-1-21	AMD	06/24/2009	2009-5/7
victims of crimes					
Crime Victim Reparations, Administration	32673	R270-1	AMD	07/08/2009	2009-11/21
volunteer health care practitioner					
Commerce, Occupational and Professional Licensing	32551	R156-81	NEW	06/22/2009	2009-10/40
voting					
Lieutenant Governor, Elections	32512	R623-2	5YR	04/07/2009	2009-9/54
vulnerable adults					
Human Services, Aging and Adult Services	32428	R510-302	R&R	05/27/2009	2009-7/26
wages					
Human Services, Recovery Services	32565	R527-300	AMD	06/30/2009	2009-10/118
waste disposal					
Environmental Quality, Solid and Hazardous Waste	32441	R315-315	AMD	05/15/2009	2009-7/22
	32378	R315-320	5YR	02/17/2009	2009-5/29
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
wastewater					
Environmental Quality, Water Quality	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32480	R317-101-2	AMD	06/11/2009	2009-8/8
	32779	R317-401	5YR	07/01/2009	2009-14/82
water conservation					
Environmental Quality, Drinking Water	32406	R309-510	AMD	04/27/2009	2009-6/28
water pollution					
Environmental Quality, Water Quality	32380	R317-1	AMD	04/07/2009	2009-5/11
	32379	R317-1-7	AMD	06/11/2009	2009-5/14
	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30
	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32381	R317-5-1	AMD	04/07/2009	2009-5/16
	32340	R317-8	AMD	04/07/2009	2009-4/21
water quality					
Environmental Quality, Water Quality	32342	R317-3-1	AMD	04/07/2009	2009-4/18
	32480	R317-101-2	AMD	06/11/2009	2009-8/8
water quality standards					
Environmental Quality, Water Quality	31650	R317-2	CPR	01/12/2009	2008-23/28
	31650	R317-2	AMD	01/12/2009	2008-14/30

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
water rights					
Natural Resources, Water Rights	32201	R655-14	AMD	02/10/2009	2009-1/35
watershed management					
Environmental Quality, Drinking Water	32444	R309-105-6	AMD	05/12/2009	2009-7/16
welfare					
Human Services, Recovery Services	32385	R527-3	AMD	07/13/2009	2009-6/57
white-collar contests					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	32205	R859-1	AMD	05/01/2009	2009-1/42
	32188	R859-1-301	AMD	03/01/2009	2009-1/44
	32670	R859-1-301	AMD	07/14/2009	2009-11/48
	32671	R859-1-501	AMD	07/14/2009	2009-11/49
	32669	R859-1-802	AMD	07/14/2009	2009-11/51
wildlife					
Natural Resources, Wildlife Resources	32337	R657-5	AMD	03/24/2009	2009-4/43
	32462	R657-5-73	NSC	04/14/2009	Not Printed
	32129	R657-13	AMD	01/07/2009	2008-23/23
	32300	R657-17-4	AMD	03/10/2009	2009-3/61
	32319	R657-33-19	AMD	03/24/2009	2009-4/50
	32309	R657-38	AMD	03/10/2009	2009-3/62
	32371	R657-42-4	AMD	04/07/2009	2009-5/19
	32299	R657-44-3	AMD	03/10/2009	2009-3/69
	32721	R657-46	5YR	06/09/2009	2009-13/85
	32297	R657-55-4	AMD	03/10/2009	2009-3/71
	32679	R657-60	EMR	05/19/2009	2009-12/72
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
	32210	R657-61	AMD	02/09/2009	2009-1/40
	32420	R657-62	NEW	04/21/2009	2009-6/70
wildlife conservation					
Natural Resources, Wildlife Resources	32309	R657-38	AMD	03/10/2009	2009-3/62
wildlife law					
Natural Resources, Wildlife Resources	32129	R657-13	AMD	01/07/2009	2008-23/23
	32679	R657-60	EMR	05/19/2009	2009-12/72
	32081	R657-60-2	AMD	01/07/2009	2008-22/28
	32298	R657-60-2	AMD	03/10/2009	2009-3/72
wildlife permits					
Natural Resources, Wildlife Resources	32297	R657-55-4	AMD	03/10/2009	2009-3/71
work-based learning programs					
Education, Administration	32650	R277-916	5YR	05/04/2009	2009-11/57
workers' compensation					
Labor Commission, Adjudication	32276	R602-2-2	AMD	03/10/2009	2009-3/51
Labor Commission, Industrial Accidents	32054	R612-4-2	AMD	01/01/2009	2008-21/66