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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114-1201, telephone 801-538-3764, FAX 801-538-1773. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: <http://www.rules.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

Problem With Effective Date Introductory Language

An incorrect explanation regarding notices of effective date was published at the beginning of the Notices of Rule Effective Dates section in the 08/15/2009, 09/01/2009, and 09/15/2009 issues of the Utah State Bulletin. The published explanation incorrectly indicated that administrative rules may be made effective 31 days after publication in the Utah State Bulletin. The explanation should have read as follows:

State law provides for agencies to make their rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses and the agency must start the rulemaking process over.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

The Division regrets any confusion that may have been created by the incorrect explanation. Any questions regarding this error should be directed to Nancy L. Lancaster, Publications Editor, by phone: 801-538-3218, or by FAX: 801-538-1773, or by e-mail: nllancaster@utah.gov

End of the Editor's Notes Section

SPECIAL NOTICES

Commerce Occupational and Professional Licensing

Proposed Building Codes and Amendments under Utah Uniform Building Standards Act

See the following document for full details and summary of proposed building codes and amendments. A public hearing regarding the proposed building codes will be held October 15, 2009, at 9:00 AM in Room 1112 of the State Office Building, Salt Lake City, Utah. The document has two parts: Part 1 - Proposed Building Codes and Amendments under Utah Uniform Building Standards Act, and Part 2 - Summary of Recommended Code and Amendment Changes. The second part is a summary and explanation of the changes proposed in the first part. It should be noted that the proposed changes are made with strikethrough and underline as if making changes to existing rules, which have adopted the current building codes. This format is used for easier identification of items that are recommended for changes. As a result of Senate Bill 211, changes in building codes are no longer adopted by rule but are adopted by the Legislature after receiving a recommendation from the Uniform Building Code Commission. The Uniform Building Code Commission is obligated under the Uniform Building Standards Act to have a public hearing regarding the proposed changes to the building codes. This public notice and scheduled public hearing are for the Uniform Building Code Commission to receive public comment on the proposed building codes prior to it making its recommendation to the legislative Business and Labor Interim Committee.

Part 1

Proposed Building Codes and Amendments Under UTAH UNIFORM BUILDING STANDARDS ACT

(as of 9/14/09)

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection 58-56-3(1)(b)(ii), and subject to the limitations contained in Subsection ~~(6), (7), and (8)~~ (5), (6), and (7) the following codes are hereby incorporated by reference, which codes together with any amendments specified under these rules, are adopted to be effective on July 1, 2010 as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the ~~2006~~ 2009 edition of the International Building Code (IBC), including Appendix J promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ;

(b) the 2008 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, ~~to become effective January 1, 2009~~ ;

(c) the ~~2006~~ 2009 edition of the International Plumbing Code (IPC) promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ;

(d) the ~~2006~~ 2009 edition of the International Mechanical Code (IMC) promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ;

(e) the ~~2006~~ 2009 edition of the International Residential Code (IRC) promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ;

(f) the ~~2006~~ 2009 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ;

(g) the ~~2006~~ 2009 edition of the International Fuel Gas Code (IFGC) promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ;

(h) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990;

(i) subject to the provisions of Subsection ~~(4)~~ (3), Appendix E of the ~~2006~~ 2009 edition of the international Residential Code promulgated by the International Code Council shall ~~become effective on January 1, 2007~~ ; and

(j) subject to the provisions of Subsection ~~(4)~~ (3), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall ~~become effective January 1, 2007~~ ; and

(k) the 2006 edition of the Utah Wildland Urban Interface Code (UWUI) promulgated by the International Code Council together with alternatives or amendments approved by the Utah Division of Forestry shall ~~be effective July 1, 2008 as is~~ an

approved code that may be adopted by the local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this Subsection.

(2) In accordance with Subsection 58-56-4(6), and subject to the limitations contained in Subsection 58-56-4(7), the following codes or standards are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal, seismic evaluation and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(b) the 2006 2009 edition of the International Existing Building Code (IEBC), including its appendix chapters, promulgated by the International Code Council;

(c) ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;

(d) ~~Pre-standard and Commentary for the ASCE/SEI 41-06, Seismic Rehabilitation of Existing Buildings, (FEMA 356) published by the Federal Emergency Management Agency (November 2000) promulgated by the American Society of Civil Engineers.~~

~~(3) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.~~

~~(4)~~(3) In accordance with Subsection 58-56-3(1)(b)(ii), the following are hereby adopted as the installation standard for manufactured housing for new installations or for existing manufactured or mobile homes which are subject to relocation, building alteration, remodeling or rehabilitation in the state:

(a) The manufacturer's installation instruction for the model being installed shall be the primary standard.

(b) If the manufacturer's installation instruction for the model being installed is not available or is incomplete, the following standards shall be applicable:

(i) Appendix E of the 2006 2009 edition of the International Residential Code as promulgated by the International Code Council for installations defined in Section AE101 of Appendix E; or

(ii) If an installation is beyond the scope of the 2006 2009 edition of the International Residential Code as defined in Section AE101 of Appendix E, then the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall apply.

(c) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction Appendix E of the 2006 2009 edition of the International Residential Code, or the 2005 edition of the NFPA 225, provided the design is approved in writing by a professional engineer or architect licensed in Utah.

(d) For mobile homes built prior to June 15, 1976, the home shall also comply with the additional installation and safety requirements specified in Section R156-56-808.

~~(5)~~(4) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-804 802; however all such homes which fail to meet the standards of Subsection R156-56-804 802 shall have a protective structure built over the home which meets the ~~International Building Code~~ International Residential Code and the snow load requirements under Subsection R156-56-804 802.

~~(6)~~(5) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

~~(7)~~(6) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 53-7-106 authority is reserved to the Utah Fire Prevention Board;

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health; and

(e) wildland urban interface provisions which go beyond the authority of Subsection 58-56-4(2), authority over which is designated to the Utah Division of Forestry or to the local compliance agencies.

~~(8)~~(7) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, the scope described in subsection 58-56-4(2) or other provisions of the Utah Uniform Building

Standards Act such provisions, to the extent such authority scope is exceeded, are not included in the codes adopted.

R156-56-703. Code Amendments.

In accordance with Subsection 58-56-7(1) (2), the procedure and manner under which requests for amendments to codes shall be filed with the division and recommended or declined for adoption are as follows:

- (1) All requests for amendments to any of the uniform building standards shall be submitted to the division on forms specifically prepared by the division for that purpose.
- (2) The processing of requests for code amendments shall be in accordance with division policies and procedures.

R156-56-801. Statewide Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable statewide:

~~(1) All references to the ICG Electrical Code are deleted and replaced with the National Electrical Code adopted under Subsection R156-56-701(1)(b).~~

~~(2) Section 101.4.1 is deleted and replaced with the following:~~

~~101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.~~

~~(1) Section 106 is deleted in its entirety.~~

~~(3) Section 106.3.2 is deleted and replaced with the following:~~

~~106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.~~

~~(4)(2) In Section 409.110, a new section is added as follows:~~

~~409.3.5 110.3.5 Weather-resistive barrier and flashing resistant exterior wall envelope. An inspection shall be made of the weather-resistive barrier resistant exterior wall envelope as required by Section 1403.2 and flashing as required by Section 1405.3 1405.4 to prevent water from entering the weather-resistant exterior wall envelope resistive barrier.~~

The remaining sections will be renumbered as follows:

~~409.3.6 110.3.6~~ Lath or gypsum board inspection

~~409.3.7 110.3.7~~ Fire- and smoke- resistant penetrations

~~409.3.8 110.3.8~~ Energy efficiency inspections

~~409.3.9 110.3.9~~ Other inspections

~~409.3.10 110.3.10~~ Special inspections

~~409.3.11 110.3.11~~ Final inspection.

~~(5)(3) Section 414.4 115.1 is deleted and replaced with the following:~~

~~414.4 115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or dangerous or unsafe, the building official is authorized to stop work.~~

~~(6)(4) In Section 202, the definition for Assisted Living Facility is deleted and replaced with the following:~~

~~ASSISTED LIVING FACILITY. See Section 308.1.1.~~

~~(5) In Section 202, the definition for Child Care Facilities is deleted and replaced with the following:~~

~~CHILD CARE FACILITIES. See Section 308.3.1.~~

~~(6) In the list in Section 304.1, Ambulatory health care facilities is deleted and replaced with Ambulatory health care facilities with four or fewer surgical operating rooms~~

~~(7) Section 305.2 is deleted and replaced with the following:~~

~~305.2 Day care. The use of a building or structure, or portion thereof, for educational, supervision, child day care centers, or personal care services of more than four children shall be classified as a Group E occupancy. See Section 424 424 for special requirements for Group E child day care centers.~~

~~Exception: Areas used for child day care purposes with a Residential Certificate, or a Family License, as defined in Utah Administrative Code R430-90 Licensed Family Child Care, or Family Group License may be located in a Group R-2 or R-3 occupancy as provided in Section 310.1 or shall comply with the International Residential Code in accordance with Section 101.2. Areas used for Hourly Child Care Centers, as defined in Utah Administrative Code R430-60, or Out of School Time Programs, as defined in Utah Administrative Code R430-70, may be classified as accessory occupancies.~~

~~Child day care centers providing care for more than 100 children 2 1/2 years or less of age shall be classified as Group I-4.~~

~~(8) In Section 308 the following definitions are added:~~

~~308.1.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.~~

~~TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.~~

TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

SEMI-INDEPENDENT. A person who is:

- A. Physically disabled but able to direct his or her own care; or
- B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential treatment/support assisted living facility which creates a group living environment for four or more residents licensed by the Utah Department of Human Services, and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person.

(9) In Section 308.2 is the words "Assisted living facilities" are deleted and replaced with the following: Type I Assisted living facilities.

~~308.2 Group I-1. This occupancy shall include buildings, structures, or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: residential board and care facilities, type I assisted living facilities, residential treatment/support assisted living facility, half-way houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as a Group R-4.~~

(10) Section 308.3 is deleted and replaced with the following:

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than three persons who are not capable of self-preservation. This group shall include, but not be limited to the following: hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities, ambulatory surgical centers with ~~two~~ five or more operating rooms where care is less than 24 hours, outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, and type II assisted living facilities. Type II assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type II assisted living facilities as defined in 308.1.1 with at least six and not more than sixteen residents shall be classified as a Group I-1 facility.

(11) In section 308.3.1 the definition for CHILD CARE FACILITIES is deleted and replaced with the following:

~~308.3.1 Child care facility~~ CHILD CARE FACILITIES. A child care facility, as licensed by the Department of Human Services in Utah Administrative Code R501, that provides care on a 24 hour basis to more than four children 2 1/2 years of age or less shall be classified as Group I-2.

(12) Section 308.5 is deleted and replaced with the following:

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with four or fewer persons shall be classified as an R-3 or shall comply with the International Residential Code in accordance with Section 101.2. Places of worship during religious functions and Group E child day care centers are not included.

(13) Section 308.5.2 and the exception are is deleted in their entirety. and replaced with the following:

~~308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than 100 children 2 1/2 years of age or less shall be classified as Group I-4:~~

(14) In Section 310.1, in the Subsection designated as R-1, the sentence beginning with Congregate living facilities shall have the following added at the end:

or shall comply with the International Residential Code.

(15) In Section 310.1, in the Subsection designated as R-2, the sentence beginning with Congregate living facilities shall have the following added at the end:

or shall comply with the International Residential Code.

(14) (16) In Section 310.1, is deleted and replaced with the following: the Subsection designated as R-3 shall have the following added at the end of the Subsection:

~~310.1 Residential Group "R". Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classed as an Institutional Group I. Residential occupancies shall include the following:~~

~~R-1: Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including: Boarding Houses (transient) and congregate living facilities, Hotels (transient), and Motels (transient).~~

~~Exception: Boarding houses and congregate living facilities accommodating 10 persons or less shall be classified as a Residential Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.~~

~~R-2: Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including: Apartment Houses, Boarding houses (not transient) and congregate living facilities;~~

Convents, Dormitories, Fraternities and Sororities, Monasteries, Vacation timeshare properties, Hotels (non-transient), and Motels (non-transient).

Exception: Boarding houses and congregate living facilities accommodating 10 persons or less shall be classified as a Residential Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2.

~~R-3: Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units, as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single family home are permitted to comply with the International Residential Code in accordance with Section 101.2. Areas used for day care purposes may be located in a residential dwelling unit under all of the following conditions:~~

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

~~(17) In Section 310.1, the Subsection designated as R-4 is deleted and replaced with the following:~~

~~R-4: Residential occupancies shall include buildings arranged for occupancy as Residential Care/ Type I Assisted Living Facilities or Residential Treatment/Support Assisted Living Facilities including more than five but not more than 16 occupants residents, excluding staff.~~

~~Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the International Residential Code in accordance with Section 101.2.~~

~~(15)(18) In Section 310.2 the definition for Residential Care/Assisted Living Facilities is deleted, and replaced with the following:~~

~~See Section 308.1.1 for modifications of definitions.~~

~~(19) Section 403.5.5 is deleted.~~

~~(20) In Section 422.1 the words "Sections 422.1 to 422.6" are changed to "Sections 422.1 to 422.7.~~

~~(21) In Section 422 a new section is added as follows:~~

~~422.7 Separation. Occupancies classified as Group B Ambulatory Health Care Facilities shall be separated from all surrounding tenants and occupancies in accordance with Table 508.4 but not less than one-hour fire barrier when the suite is capable of providing care for four or more care recipients who are incapable of self preservation.~~

~~(16)(22) A new section 421 424 is added as follows:~~

~~Section 421 424 Group E Child Day Care Centers. Group E child day care centers shall comply with Section 421 424.~~

~~421.1 424.1 Location at grade. Group E child day care centers shall be located at the level of exit discharge.~~

~~Exception: Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.~~

~~421.2 424.2 Egress. All Group E child day care spaces with an occupant load of more than 10 shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 4026 1029.~~

~~424.3 All Group E Child Day Care Centers shall comply with Utah Administrative Code R430-100 Child Care Centers.~~

~~(17)(23) In Section 504.2 a new section is added as follows:~~

~~504.2.1 Notwithstanding the exceptions to Section 504.2, Group I-2 Assisted Living Facilities shall be allowed to be two stories of Type V-A construction when all of the following apply:~~

1. All secured units are located at the level of exit discharge in compliance with Section ~~4008.1.8.3~~ 1008.1.9.3 as amended;

2. The total combined area of both stories shall not exceed the total allowable area for a one-story building; and

3. All other provisions that apply in Section 407 have been provided.

~~(24) In Table 508.4 footnote g is added as follows:~~

~~g. See Section 422.7 for additional requirements of Group B Ambulatory Health Care Facilities.~~

~~(25) In Section 707.5.1 a new exception 4 is added as follows:~~

~~4. Group B Ambulatory Health Care Facilities.~~

~~(18)(26) In Section (F)902, the definition for record drawings is deleted and replaced with the following:~~

~~(F)RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.~~

~~(27) In Section (F)903.2.2 the words "all fire areas" are deleted and replaced with "buildings".~~

~~(19)(28) In Section (F)903.2.3 (F)903.2.4 condition 2 is deleted and replaced with the following:~~

2. Where a ~~A~~ Group F-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or,

~~(20)(29) In Section (F)903.2.6 (F)903.2.7 condition 2 is deleted and replaced with the following:~~

2. ~~Where a A Group M fire area is located more than three stories above the lowest level of fire department vehicle access; or,~~

~~(24) (30) Section (F)903.2.7 (F)903.2.8 is deleted and replaced with the following:~~

~~(F)903.2.7 (F)903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.~~

~~Exceptions:~~

~~1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code For One- and Two-Family Dwellings.~~

~~2. Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.~~

~~(22) (31) In Section (F)903.2.8 (F)903.2.9 condition 2 is deleted and replaced with the following:~~

~~2. Where a A Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or,~~

~~(23) (32) Section (F)903.2.9 (F)903.2.10 is deleted and replaced with the following:~~

~~(F)903.2.9 (F)903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as parking garages in accordance with Section 406.2 or where located beneath other groups.~~

~~Exception 1: Parking garages of less than 5,000 square feet (464 m²) accessory to Group R-3 occupancies.~~

~~Exception 2: Open parking garages not located beneath other groups if one of the following conditions is met:~~

~~a. Access is provided for fire fighting operations to within 150 feet (45,720 mm) of all portions of the parking garage as measured from the approved fire department vehicle access; or~~

~~b. Class I standpipes are installed throughout the parking garage.~~

~~(24) (33) In Section (F)903.2.9-1 (F)903.2.10.1 the last clause "where the fire area exceeds 5,000 square feet (464 m²)" is deleted.~~

~~(25) (34) Section (F)904.11 and Subsections (F)904.11.3, (F)904.11.3.1, (F)904.11.4 and (F)904.11.4.1 are is deleted and replaced with the following:~~

~~(F)904.11 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Automatic fire-extinguishing systems shall be installed in accordance with the referenced standard for wet-chemical extinguishing systems, NFPA 17A.~~

~~Exception: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and listed, labeled and installed in accordance with Section 304.1 of the International Mechanical Code.~~

~~(Subsections (F)904.11.1 and (F)904.11.2 remain unchanged.~~

~~(35) Subsections (F)904.11.3, (F)904.11.3.1, (F)904.11.4 and (F)904.11.4.1 are deleted in their entirety.~~

~~(26) Section (F)907.2.10 is deleted and replaced with the following:~~

~~(F)907.2.10 Single and multiple station alarms. Listed single and multiple station smoke alarms complying with U.L. 217 shall be installed in accordance with the provision of this code and the household fire warning equipment provision of NFPA 72. Listed single and multiple station carbon monoxide detectors shall comply with U.L. 2034 and shall be installed in accordance with the provisions of this code and NFPA 720.~~

~~(F)907.2.10.1 Smoke alarms. Single or multiple station smoke alarms shall be installed in the locations described in Sections (F)907.2.10.1.1 through (F)907.2.10.1.3 (F)907.2.10.1.1 Group R-1. Single or multiple station smoke alarms shall be installed in all of the following locations in Group R-1:~~

~~1. In sleeping areas.~~

~~2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.~~

~~3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~(F)907.2.10.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:~~

~~1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~

~~2. In each room used for sleeping purposes.~~

~~3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~(F)907.2.10.1.3 Group I-1. Single or multiple station smoke alarms shall be installed and maintained in sleeping areas in occupancies in Group I-1.~~

~~Exception: Single or multiple station smoke alarms shall not be required where the building is equipped throughout with an automatic fire detection system in accordance with Section (F)907.2.6.~~

~~(36) A new section (F)907.9 is added as follows:~~

~~Section (F)907.9 (F)907.2.10.2 Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4 and I-1 equipped with fuel burning appliances and in dwelling units that have attached garages. If more than one carbon monoxide alarm is required, they shall be interconnected as required in the International Fire Code, Chapter 9, Section 907.2.11.3. In new construction, carbon monoxide alarms shall receive their primary power as required in the International Fire Code, Chapter 9, Section 907.2.11.4. Listed single- and multiple-station carbon monoxide alarms shall comply with UL 2034 and shall be installed in accordance with the provisions of this code and NFPA 720.~~

~~(F)907.2.10.3 Power source. In new construction, required alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.~~

~~Exception: Alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.~~

~~(F)907.2.10.4 Interconnection. Where more than one alarm is required to be installed with an individual dwelling unit in Group R-2, R-3, or R-4, or within an individual sleeping unit in Group R-1, the alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke and carbon monoxide detectors shall be permitted.~~

~~(F)907.2.10.5 Acceptance testing. When the installation of the alarm devices is complete, each detector and interconnecting wiring for multiple station alarm devices shall be tested in accordance with the household fire warning equipment provisions of NFPA 72 and NFPA 720, as applicable.~~

~~(27) In Section 1007.3 a new exception 6 is added as follows:~~

~~6. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~(28) In Section 1007.4 the word "exception" is changed to "exception 1" and an exception 2 is added as follows:~~

~~2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings or facilities equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~(29) In Section 1008.1.8.3, a new subparagraph (5) is added as follows:~~

~~(5) Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met:~~

~~5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or automatic fire detection system.~~

~~5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.~~

~~5.3 The controlled egress doors shall unlock upon loss of power.~~

~~(37) In Section 1008.1.9.6 the words "Group I-1 and" are added in the title and in the first sentence before the words "Group I-2", the word "delayed" is deleted throughout and replaced with the word "controlled", and the last sentence before the numbered subsections 1 through 6 is deleted.~~

~~(30) (38) In Section 1009.3 1009.4.2, Exception #4 #5 is deleted and replaced with the following:~~

~~4. 5. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 10 inches (254 mm).~~

~~(34) (39) In Section 1009.40 1009.12 Exception 6 is added as follows:~~

~~6. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers.~~

~~(32) Section 1012.3 is amended to include the following exception at the end of the section:~~

~~Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy with a perimeter greater than 6 1/4 inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10 mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches (32 mm) to a maximum of 2 3/4 inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).~~

(40) In Section 1013.2 the words "adjacent fixed seating" are deleted.

(33) (41) In Section 1013.2 Exception 3 5 is added as follows:

3. 5. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier not less than 36 inches (914 mm) in height.

(34) (42) In Section 1015.2.2 the following sentence is added at the end:

Additional exits or exit access doorways shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available.

(43) Section 1024 is deleted in its entirety.

(35) (44) A new Section 1109.7.1 is added as follows:

1109.7.1 Platform (wheelchair) lifts. All platform (wheelchair) lifts shall be capable of independent operation without a key.

(36) (45) In Section 1208.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.

(37) Section 1405.3 is deleted and replaced with the following:

1405.3 Flashing. Flashing shall be installed in such a manner so as to prevent moisture from entering the wall or to redirect it to the exterior. Flashings shall be installed at the perimeters of exterior door and window assemblies, penetrations and terminations of exterior wall assemblies, exterior wall intersections with roofs, chimneys, porches, decks, balconies and similar projections and at built-in gutters and similar locations where moisture could enter the wall. Flashing with projected flanges shall be installed on both sides and the ends of copings, under sills and continuously above projected trim. A flashing shall be installed at the intersection of the foundation to stucco, masonry, siding or brick veneer. The flashing shall be on an approved corrosion-resistant flashing with a 1/2" drip leg extending past exterior side of the foundation.

(46) In Table 1604.5 in Occupancy Category III in the sentence that begins Group I-2, a new footnote (b) is added as follows:

b. Type II Assisted Living Facilities that are I-2 occupancy classifications in accordance with Section 308 shall be Occupancy Category II in this table.

(38) (47) In Section 1605.2.1, the formula shown as "f₂ = 0.2 for other roof configurations" is deleted and replaced with the following:

f₂ = 0.20 + .025(A-5) for other configurations where roof snow load exceeds 30 psf

f₂ = 0 for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(39) (48) In Section 1605.3.1 and section Section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

2. Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roof snow loads exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads. W_s as calculated below, shall be combined with seismic loads.

W_s = (0.20 + 0.025(A-5))P_f is greater than or equal to 0.20 P_f

Where

W_s = Weight of snow to be included in seismic calculations;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purpose of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f may be considered 1.0 for use in the formula for W_s.

(40) In Table 1607.1 number 9 is deleted and replaced with the following:

TABLE 1607.1 NUMBER 9

Occupancy or Use	Uniform (psf)	Concentrated (lbs)
9. Decks, except residential	Same as occupancy served ^a	
9.1 Residential decks	60 psf	

(41) (49) Section 1608.1 is deleted and replaced with the following:

1608.1 General. Except as modified in section 1608.1.1, 1608.1.2, and 1608.1.3 design snow loads shall be determined in accordance with Section Chapter 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(42) (50) Section 1608.1.1 is added as follows:

1608.1.1 Section 7.4.5 of ~~Section Chapter~~ 7 of ASCE 7 referenced in Section 1608.1 of the IBC is deleted and replaced with the following:

Section 7.4.5 Ice Dams and Icicles Along Eaves. Where ground snow loads exceed 75 psf, eaves shall be capable of sustaining a uniformly distributed load of $2p_f$ on all overhanging portions. No other loads except dead loads shall be present on the roof when this uniformly distributed load is applied. All building exits under down-slope eaves shall be protected from sliding snow and ice.

~~(43)~~ (51) Section 1608.1.2 is added as follows:

1608.1.2 Utah Snow Loads. The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. 1608.1.2(a)

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.2(a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table 1608.1.2(a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.2(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

~~(44)~~ (52) Table 1608.1.2(a) and Table 1608.1.2(b) are added as follows:

TABLE NO. 1608.1.2(a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.2(b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

Roof Snow Ground Snow

SPECIAL NOTICES

		Load (PSF)	Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	5	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6800 ft.	100	142
Park City	8400 ft.	162	231
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43

Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation.

(45) (53) Section 1608.1.3 is added as follows:

1608.1.3 Thermal Factor. The value for the thermal factor, C_t , used in calculation of p_f shall be determined from Table 7.3 in ASCE 7.

Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground snow load, P_g is calculated using Section 1608.1.2 as amended.

(46) (54) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(47) (55) In Section 1609.1.1 a new exception number 5.7 is added as follows:

5.7. The wind design procedure as found in Section 1616 through 1624 of the 1997 Uniform

Building Code may be used as an alternative wind design procedure for:

(a) items 1 through 3 listed in Table 16-H of the 1997 Uniform Building Code provided that the building or component being designed meets the limits for the Simplified Method as defined in ASCE 6.4.1.1 and 6.4.1.2 of ASCE 7; or

(b) items 4 through signs and free standing walls as listed in item 7 listed in Table 16-H of the 1997 Uniform Building Code.

The Importance Factor, I , shall be determined in accordance with Table 6-1 of ASCE 7. Stress increases are only allowed as provided in Section 1605.3 of the 2009 IBC.

(48) (56) Section 1613.7 1613.1.1 is added as follows:

1613.7 1613.1.1 ASCE 12.7.2 and 12.14.18.4 12.14.8.1 of Section Chapter 12 of ASCE 7 referenced in Section 1613.1, Definition of W , Item 4 is deleted and replaced with the following:

4. Where the flat roof snow load, P_f , exceeds 30 psf, the snow load included in seismic design shall be calculated, in accordance with the following formula: $W_s = (0.20 + 0.025(A-5))P_f$ is greater than or equal to $0.20 P_f$

WHERE:

W_s = Weight of snow to be included in seismic calculations;

A = Elevation above sea level at the location of the structure (ft/1000)

P_f = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I , used in calculating P_f may be considered 1.0 for use in the formula for W_s .

(49) (57) A new Section 1613.8 is added as follows:

1613.8 ASCE 7, Section 13.5.6.2.2 paragraph (e) is modified to read as follows:

(e) Penetrations shall have a sleeve or adapter through the ceiling tile to allow for free movement of at least 1 inch (25 mm) in all horizontal directions.

Exceptions:

1. Where rigid braces are used to limit lateral deflections.
2. At fire sprinkler heads in frangible surfaces per NFPA 13.

(50) Section 1805.5 is deleted and replaced with the following:

~~1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21, respectively. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(5) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.5. Concrete foundation walls may also be constructed in accordance with Section 1805.5.8.~~

(51) (58) A new section 1805.5.8 1807.1.6.4 is added as follows:

1805.5.8 1807.1.6.4 Empirical concrete foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5(6) 1807.1.6.4.

(52) (59) Table 1805.5(6) 1807.1.6.4 is added as follows:

Table 1805.5(6) 1807.1.6.4, entitled "Empirical Concrete Foundation Walls, dated January 1, 2007, published by the Department of Commerce, Division of Occupational and Professional Licensing is hereby adopted and incorporated by reference. Table 1805.5(6) 1807.1.6.4 identifies foundation requirements for empirical walls.

(53) (60) A new section 2306.1.5 is added as follows:

2306.1.5 Load duration factors. The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used Load Duration Factors, C_d , of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

(54) (61) In Section 2308.6 the following exception is added:

Exception: Where foundation plates or sills are bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors, embedded at least 7 inches (178 mm) into concrete or masonry and spaced not more than 32 inches (816 mm) apart, there shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate.

(55) (62) Section 2506.2.1 is deleted and replaced with the following:

2506.2.1 Other materials. Metal suspension systems for acoustical and lay-in panel ceilings shall conform with ASTM C635 listed in Chapter 35 and Section 13.5.6 of ASCE 7-05, as amended in Section 1613.8, for installation in high seismic areas.

(56) (63) In Section 2902.1, the title for Table 2902.1 is deleted and replaced with the following and footnote e g is added as follows: Table 2902.1, Minimum Number of Required Plumbing Facilities^{a, eq.}

FOOTNOTE: e g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.

(57) (64) Section 3006.5 Shunt Trip, the following exception is added:

Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less.

(58) (65) A new section 3403.2.4 3401.6 is added as follows:

3403.2.4 3401.6 Parapet bracing, wall anchors, and other appendages. Buildings constructed prior to 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be evaluated in accordance with 75% of the seismic forces as specified in Section 1613. When allowed by the local building official, alternate methods of equivalent strength as referenced in Subsection R156-56-701(2) will be considered when accompanied by engineer sealed drawings, details and calculations. When found to be deficient because of design or deteriorated condition, the engineer's recommendations to anchor, brace, reinforce, or remove the deficient feature shall be implemented.

EXCEPTIONS:

1. Group R-3 and U occupancies.

2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F.

(59) (66) Section 3406.4 3408.4 is deleted and replaced with the following:

3406.4 3408.4 Change in Occupancy. When a change in occupancy results in a structure being reclassified to a higher Occupancy Category (as defined in Table 1604.5), or when such change of occupancy results in a design occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit

(if any) detailing providing. Alternatively, the building official may allow the structure to be upgraded in accordance with referenced sections as found in Subsection R156-56-701(2).

2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where S_{DS} is less than 0.33, compliance with the seismic requirements of this code and ASCE 7 are not required.

3. Where design occupant load increase is less than 25 occupants and the Occupancy Category does not change.

~~(60) (67)~~ The exception in ~~3409.4 3411.1~~ is deleted and replaced with the following:

Exception: Type B dwelling or sleeping units required by section 1107 of this code are not required to be provided in existing buildings and facilities, ~~except when an existing occupancy is changed to R-2 unless being altered or undergoing a change of occupancy classification.~~

~~(61)~~ In Section ~~3409.4~~, number 7 is added as follows:

7. ~~When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy as determined in section 1107.6.2, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling or sleeping units shall be Type A dwelling units.~~

~~(62) (68)~~ The following referenced standard is added under NFPA in chapter 35:

TABLE		
Number	Title	Referenced in code Section number
720-05720-09	Recommended Practice Standard for the Installation of Household Carbon Monoxide (CO) <u>Detection and</u> Warning Equipment	907.2.10, 907.2.10-5907.9

~~(69)~~ The following referenced standard is added under UL in Chapter 35:

TABLE		
Number	Title	Referenced in code Section number
2034-2008	Standard of Single- and Multiple- station Carbon Monoxide Alarms	907.9

R156-56-802. Statewide Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All statewide amendments to the IBC under Section R156-56-801, the NEC under Section R156-56-806, the IPC under Section R156-56-803, the IMC under Section R156-56-804, the IFGC under Section R156-56-805 and the IECC under Section R156-56-807 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC. ~~All references to the ICG Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b).~~

~~(2)~~ Section 106.3.2 is deleted and replaced with the following:

~~106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.~~

~~(3) (2)~~ In Section 109, a new section is added as follows:

R109.1.5 ~~Weather-resistive barrier and flashing~~ resistant exterior wall envelope inspections. An inspection shall be made of the ~~weather-resistive barrier~~ resistant exterior wall envelope as required by Section R703.1 and flashings as required by Section R703.8 to prevent water from entering the ~~weather-resistant exterior wall envelope~~ resistive barrier.

The remaining sections are renumbered as follows:

R109.1.6 Other inspections

R109.1.6.1 Fire- ~~and smoke~~-resistance-rated construction inspection

R109.1.6.2 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection

R109.1.7 Final inspection.

~~(4) (3)~~ Section R114.1 is deleted and replaced with the following:

R114.1 Notice to owner. Upon notice from the building official that work on any building or structured is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

~~(5)~~ In Section R202, the definition of "Backsiphonage" is deleted and replaced with the following:

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~~BACKSIPHONAGE: The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.~~

~~(6) (4) In Section R202 the following definition is added:~~

~~CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.~~

~~(7) (5) In Section R202 the definition of "Cross Connection" is deleted and replaced with the following:~~

~~CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems(see "Backflow, Water Distribution").~~

~~(8) In Section R202 the following definition is added:~~

~~HEAT exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam); one of which is potable water.~~

~~(9) (6) In Section R202 the definition of "Potable Water" is deleted and replaced with the following:~~

~~POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.~~

~~(10) In Section R202, the following definition is added:~~

~~S-Trap. A trap having it's weir installed above the inlet of the vent connection.~~

~~(11) In Section R202 the definition of "Water Heater" is deleted and replaced with the following:~~

~~WATER HEATER. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use externally to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).~~

~~(12) (7) Figure R301.2(5) is deleted and replaced with Table R301.2(5a) and Table R301.2(5b) as follows:~~

TABLE NO. R301.2(5a)
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _o	S	A _o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. R301.2(5b)
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS(2)

Roof Snow Ground Snow

		Load (PSF)	Load (PSF)
Beaver County			
Beaver	5920 ft.	43	62
Box Elder County			
Brigham City	4300 ft.	30	43
Tremonton	4290 ft.	30	43
Cache County			
Logan	4530 ft.	35	50
Smithfield	4595 ft.	35	50
Carbon County			
Price	5550 ft.	30	43
Daggett County			
Manila	5377 ft.	30	43
Davis County			
Bountiful	4300 ft.	30	43
Farmington	4270 ft.	30	43
Layton	4400 ft.	30	43
Fruit Heights	4500 ft.	40	57
Duchesne County			
Duchesne	5510 ft.	30	43
Roosevelt	5104 ft.	30	43
Emery County			
Castledale	5660 ft.	30	43
Green River	4070 ft.	25	36
Garfield County			
Panguitch	6600 ft.	30	43
Grand County			
Moab	3965 ft.	25	36
Iron County			
Cedar City	5831 ft.	30	43
Juab County			
Nephi	5130 ft.	30	43
Kane County			
Kanab	5000 ft.	25	36
Millard County			
Millard	5000 ft.	30	43
Delta	4623 ft.	30	43
Morgan County			
Morgan	5064 ft.	40	57
Piute County			
Piute	5996 ft.	30	43
Rich County			
Woodruff	6315 ft.	40	57
Salt Lake County			
Murray	4325 ft.	30	43
Salt Lake City	4300 ft.	30	43
Sandy	4500 ft.	30	43
West Jordan	4375 ft.	30	43
West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6800 ft.	100	142
Park City	8400 ft.	162	231
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Uintah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43

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Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

- (1) The IRC requires a minimum live load - See R301.6.
 (2) This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation.

~~(13)~~ (8) Section R301.6 is deleted and replaced with the following:

R301.6 Utah Snow Loads. The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A-A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .

WHERE

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table No. R301.2(5a)

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. R301.2(5a)

A = Elevation above sea level at the site (ft./1000)

A_o = Base ground snow elevation from Table R301.2(5a) (ft./1000)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table R301.2(5b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with Table R301.6 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

~~(9)~~ In Section R302.2 a new exception 1 is added as follows, the existing exception is changed to exception 2 and the following words are added to the beginning of the paragraph in exception 2.

1. A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installation shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. In buildings equipped with an automatic residential fire sprinkler system. . . .

~~(10)~~ In Section R302.2.4 a new exception 6 is added as follows:

6. Townhouses separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

~~(14)~~ Section R304.3 is deleted and replaced with the following:

~~R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.~~

~~Exception: Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.~~

~~(15)~~ (11) Section R311.5.3 R311.7.4 is deleted and replaced with the following:

~~R311.5.3 R311.7.4 Stair treads and risers.~~

~~R311.5.3.4 R311.7.4.1 Riser height. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~R311.5.3.2 R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the~~

tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

~~R311.5.3.3~~ R311.7.4.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inches (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions.

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

R311.7.4.4 Exterior wood/plastic composite stair treads. This subsection is not changed.

(12) In Section R312.2 the words "adjacent fixed seating" are deleted.

(13) Section R313 is deleted in its entirety.

(16) Section R313 is deleted and replaced with the following:

Section R313 SMOKE AND CARBON MONOXIDE ALARMS

~~R313.1 Single and multiple station smoke alarms. Single and multiple station smoke alarms shall be installed in the following locations:~~

- ~~1. In each sleeping room.~~
- ~~2. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.~~
- ~~3. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provision of NFPA 72.~~

~~R313.2 Carbon monoxide alarms. In new residential structures regulated by this code that are equipped with fuel-burning appliances, carbon monoxide alarms shall be installed on each habitable level. All carbon monoxide detectors shall be listed and comply with U.L. 2034 and shall be installed in accordance with provisions of this code and NFPA 720.~~

~~R313.3 Interconnection of alarms. When multiple alarms are required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke and carbon monoxide detectors shall be permitted.~~

~~R313.4 Power source. In new construction, the required alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Alarms shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs, or additions regulated by Section R313.5~~

~~R313.5 Alterations, repairs and additions. When interior alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with alarms located as required for new dwellings; the alarms shall be interconnected and hard wired.~~

~~Exceptions:~~

- ~~1. Alarms in existing areas shall not be required to be interconnected and hard wired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.~~
- ~~2. Repairs to the exterior surfaces of dwellings are exempt from the requirements of this section.~~

(14) Section R315.1 is deleted and replaced with the following:

R315.1 Carbon monoxide alarms. For new construction, a listed carbon monoxide alarm shall be installed on each habitable level of dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

(15) Section R315.3 is deleted and replaced with the following:

R315.3 Alarm requirements. Listed single and multiple station carbon monoxide alarms shall comply with U.L. 2034 and shall be installed in accordance with the provision of this code and NFPA 720.

(17) (16) In Section R403.1.6 exception 4 is added as follows:

4. When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed with a minimum

of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

(18) (17) In Section R403.1.6.1 the following exception is added at the end of Item 2 and Item 3:

Exception: When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines and at all exterior walls.

(19) (18) New Sections R404.0, R404.0.1 and R404.0.2 are added before Section 404.1 as follows:

R404.0 This section may be used as an alternative to complying with Sections R404.1 through R404.1.5.1.

R404.0.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls may be designed in accordance with IBC Chapters 19 or 21 respectively. Foundation walls that are laterally supported at the top and bottom within the parameters of IBC Tables 1805.5(1) through 1805.5(5) are permitted to be designed and constructed in accordance with IBC Sections 1805.5.1 through 1805.5.5. Concrete foundation walls may also be constructed in accordance with Section R404.0.2.

R404.0.2 Empirical foundation design. Buildings constructed with repetitive wood frame construction or repetitive cold-formed steel structural member construction may be permitted to have concrete foundations constructed in accordance with IBC Table 1805.5(6). IBC Table 1805.5(6) entitled "Empirical Foundations Walls", dated January 1, 2007, published by the Department of Commerce, Division of Occupational and Professional Licensing, is hereby adopted and incorporated by reference. Table 1805.5(6) identifies foundation requirements for empirical walls.

In Section R404.1 the following exception is added:

Exception: As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules.

(20) ~~Section R703.6 is deleted and replaced with the following:~~

~~R703.6 Exterior plaster.~~

~~R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch long (38 mm), 11 gage nails having 7/16 inch (11.1 mm) head, or 7/8 inch long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.~~

~~R703.6.2 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section R703.2 and, where applied over wood-based sheathing, shall include a weather-resistive vapor permeable barrier with a performance at least equivalent to two layers of Grade D paper.~~

~~R703.6.3 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed.~~

~~The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).~~

~~R703.6.3.1 Weep screeds. A minimum 0.019-inch (0.5 mm) (No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 1/2 inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.~~

(21) ~~In Section R703.8, number 8 is added as follows:~~

~~8. At the intersection of foundation to stucco, masonry, siding, or brick veneer with an approved corrosive-resistance flashing with a 1/2" drip leg extending past exterior side of the foundation.~~

(19) ~~Sections R612.2 through R612.4.2 are deleted.~~

(20) ~~Chapter 11 is deleted in its entirety and replaced with Chapter 11 of the 2006 International Residential Code and Chapter 4 of the 2006 International Energy Conservation Code.~~

(21) ~~Section M1411.6 is deleted in its entirety.~~

(22) ~~In Section M1502.4.4.1 the words "25 feet (7620 mm)" are deleted and replaced with "35 feet (10668 mm)."~~

(22) (23) ~~A new Section G2401.2 is added as follows:~~

~~G2401.2 Meter Protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must provide access for service and comply with the IBC or the IRC.~~

(23) (24) ~~Section P2602.3 is added as follows:~~

~~P2602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.~~

(24) (25) ~~Section P2602.4 is added as follows:~~

P2602.4 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317, Chapter 4, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

~~(25) Section P2603.2.1 is deleted and replaced with the following:~~

~~P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 1/2 inch (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 1/16 inch thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.~~

~~(26) In Section P2801.7 the word townhouses is deleted.~~

~~(27) Section P2902.1.1 is added as follows:~~

~~P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly.~~

~~(28) Table P2902.3 is deleted and replaced with the following:~~

TABLE P2902.3
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table P2902.3.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC- FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	<ul style="list-style-type: none"> a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	<ul style="list-style-type: none"> a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal

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			position unless listed or approved for vertical installation.
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	<ul style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)	High or Low	Backsiphonage 1/4" - 2"	<ul style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1)	High or Low	Backsiphonage	<ul style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. d. Shall be installed on the discharge (downstream) side of any valves. e. The AVB shall be installed in a vertical position only.

General Installation Criteria

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or encumbrance, and shall be accessible for testing, repair and/or maintenance. In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

(29) Table 2902.3a is added as follows:

TABLE 2902.3a
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Air Gap	High or Low	Backsiphonage	See Table P2902.3.1 ASME A112.1.2
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Atmospheric Vacuum Breaker	High or Low	Backsiphonage	ASSE 1001
		a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.	USC-FCCCHR, CSA CAN/CSA-B64.1.1
		b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.	
		c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.	
		d. Shall be installed on the discharge (downstream) side	

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<u>of any valves.</u>			
<u>e. The AVB shall be</u>			
<u>installed in a</u>			
<u>vertical position</u>			
<u>only.</u>			
Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1022
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

~~(30) Section P3003.2.1 is added as follows:~~

~~Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.~~

~~(34) (30) In Section P3103.6, the following sentence is added at the end of the paragraph:~~

~~Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.~~

~~(32) (31) In Section P3104.4, the following sentence is added at the end of the paragraph:~~

~~Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.~~

~~(32) In Section E3902.11 the following words are deleted:~~

~~family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreations rooms, closets, hallways, and similar rooms or areas~~

(33) Chapter 43 44, Referenced Standards, is amended as follows:

The following reference standard is added:

TABLE

<u>Standard reference number</u>	<u>Referenced in code Title</u>	<u>Section number</u>
USC-FCCCHR 9th Edition Manual of Cross	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3

Connection
Control

(34) In Chapter ~~43~~ 44, the following standard is added under NFPA as follows:

TABLE

<u>Standard reference number</u>	<u>Referenced in code Title</u>	<u>Section number</u>
720-05720-09	Recommended Practice Standard for the Installation of Household Carbon Monoxide (CO) Detection and Warning Equipment	R313-2R315.3

(35) Appendix O of the IRC, Gray Water Recycling Systems, is deleted and replaced with Appendix C of the International Plumbing Code as amended herein.

R156-56-803. Statewide Amendments to the IPC.

The following are adopted as amendments to the IPC to be applicable statewide:

(1) 101.2 is added as follows:

For clarification, the International Private Sewage Disposal Code is not part of the plumbing code even though it is in the same printed volume.

~~(4) (2) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.~~

~~(2) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:~~

~~Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.~~

~~(3) In Section 202, the following definition is added:~~

~~Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.~~

~~(4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:~~

~~Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").~~

~~(5) In Section 202, the following definition is added:~~

~~Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam); one of which is potable water.~~

~~(6) (5) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:~~

~~Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.~~

~~(7) In Section 202, the following definition is added:~~

~~S-Trap. A trap having its weir installed above the inlet of the vent connection.~~

~~(8) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:~~

~~Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).~~

~~(6) In Table 303.4, the item listed as Backflow prevention devises is modified as follows:~~

~~In the Third-Party Certified field the following is added after the word Required:~~

~~See footnote 1~~

~~In the Third-Party Tested field the following is added:~~

~~Required see footnote 1~~

~~Footnote 1 is added as follows:~~

~~1. Third party certification will consist of any combination of two certifications, laboratory or field. Acceptable third party laboratory certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently provides the only field testing of backflow protection assemblies. Also see <http://www.drinkingwater.utah.gov> and Division of Drinking Water Rule R309-305-6.~~

~~(9) (7) Section 304.3 Meter Boxes is deleted.~~

~~(10) Section 305.5 is deleted and replaced with the following:~~

~~305.5 Pipes through or under footings or foundation walls. Any pipe that passes under or through a footing or through a foundation wall shall be protected against structural settlement.~~

~~(11) Section 305.8 is deleted and replaced with the following:~~

~~305.8 Protection against physical damage. In concealed locations where piping, other than cast iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 1/2 inches (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.~~

~~(12) Section 305.10 is added as follows:~~

~~Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.~~

~~(13) (8) Section 311.1 is deleted.~~

~~(14) (9) Section 312.9 312.10 is deleted in its entirety and replaced with the following:~~

~~312.9 312.10 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly.~~

~~(15) (10) In Section 403.1 footnote e g. is added as follows:~~

~~FOOTNOTE: e. g. When provided, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms.~~

~~(16) In Section 406.3, an exception is added as follows:~~

~~Exception: Gravity discharge clothes washers, when properly trapped and vented, shall be allowed to be directly connected to the drainage system or indirectly discharge into a properly sized catch basin, trench drain, or other approved indirect waste receptor installed for the purpose of receiving such waste.~~

~~(17) (11) A new section 406.4 is added as follows:~~

~~406.4 Automatic clothes washer metal safe pans. Metal safe Safe pans, when installed under automatic clothes washers, shall be installed in accordance with Section 504.7. only be allowed to receive the unintended discharge from a leaking appliance, valve, supply hose, or overflowing waste water from the clothes washer standpipe. Clothes washer metal safe pans shall not be used as indirect waste receptors to receive the discharge of waste water from any other equipment, appliance, appurtenance, drain pipe, etc. Each safe pan shall be provided with an approved trap seal primer, conforming to ASSE 1018 or 1044 or a deep seal trap. The sides of the safe pan shall be no less than 1 1/2" high and shall be soldered at the joints to provide a water tight seal.~~

~~406.4.1 Safe pan outlet. The safe pan outlet shall be no less than 1 1/2" in diameter and shall be located in a visible and accessible location to facilitate cleaning and maintenance. The outlet shall be flush with the surface of the pan so as not to allow water retention within the pan.~~

~~(18) Section 412.1 is deleted and replaced with the following:~~

~~412.1 Approval. Floor drains shall be made of ABS, PVC, cast iron, stainless steel, brass, or other approved materials that are listed for the use:~~

~~(19) (12) Section 412.5 is added as follows:~~

~~412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one floor drain.~~

~~(20) Section 418.1 is deleted and replaced with the following:~~

~~418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1M, ASME A112.19.2M, ASME A112.19.3M, ASME A112.19.4M, ASME A112.19.9M, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.~~

~~(21) Section 504.6.2 is deleted and replaced with the following:~~

~~504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Tables 605.4 and 605.5 and meet the requirements for Sections 605.4 and 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall meet the requirements of Section 804.1 and be constructed of those materials listed in Section 702.~~

~~(22) (13) In section Section 504.7.2 is deleted and replaced with the following is added at the end of the section:~~

~~504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor, floor drain or extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface. When permitted by the administrative authority code official, the pan drain may be directly connected to a soil stack, waste stack, or branch drain. The pan drain shall be individually trapped and vented as required in Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044.~~

~~(23) (14) A new section 504.7.3 is added as follows:~~

~~504.7.3 Pan Designation. A water heater pan shall be considered an emergency receptor designated to receive the~~

discharge of water from the water heater only and shall not receive the discharge from any other fixtures, devices or equipment.

(24) (15) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1, 73-3-3, and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(25) (16) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(26) (17) Section 604.4.1 is added as follows:

604.4.1 Metering Manually operated metering faucets. Self closing or manually operated metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(27) (18) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

(28) (19) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

(30) (20) Table 608.1 is deleted and replaced with the following:

TABLE 608.1
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC- FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

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Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
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Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)	High or Low	Backsiphonage 1/4" - 2"	a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.
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Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA B64.1.1)	High or Low	Backsiphonage	a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. d. Shall be installed on the discharge (downstream) side of any valves. e. The AVB shall be installed in a vertical position only.
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General Installation Criteria	The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair,
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and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches, to any wall, ceiling or encumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

(34) (21) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Air Gap	High or Low	Backsiphonage	See Table 608.15.1 ASME A112.1.2
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125
Atmospheric Vacuum Breaker	High or Low	Backsiphonage	ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1
		a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.	
		b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.	
		c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.	
		d. Shall be installed on the discharge (downstream) side of any valves.	
		e. The AVB shall be installed in a vertical position only.	
Dual check valve	Low	Backsiphonage	ASSE 1024

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Backflow Preventer		or Backpressure 1/4" - 1"	
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1022
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

(32) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(29) (22) In Section 608.1 608.6, the following sentence is added at the end of the paragraph:

~~Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.~~ Any connection between potable water piping and sewer-connected waste shall be protected by an air gap.

(33) (23) Section 608.7 is deleted in its entirety.

(34) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(35) (24) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating and installation shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturer's instructions.

(36) (25) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only, without chemical treatment, where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(37) (26) Section 608.13.4 is deleted in its entirety.

(38) (27) Section 608.13.9 is deleted in its entirety.

(39) (28) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. ~~Opening and outlets~~ Connections to residential boilers only, without chemical treatment, shall be protected by a backflow preventer with an intermediate atmospheric vent.

(40) (29) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. ~~Ball cocks~~ Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

~~(41) (30) Section In section 608.15.4.2 is deleted and replaced with the following is added after the first sentence:~~

~~608.15.4.2 Hose connections. Sillcocks, hose bibbs, wall hydrants and other openings with a hose connection shall be protected by an atmospheric type or pressure type vacuum breaker or a permanently attached hose connection vacuum breaker. Add-on-type backflow prevention devices shall be non-removable. In climates where freezing temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow preventer shall be used.~~

~~(42) (31) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:~~

~~608.16.2 Connections to boilers. The potable water supply to the residential boiler only, without chemical treatment, shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.~~

~~(43) (32) Section 608.16.3 is deleted and replaced with the following:~~

~~608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.~~

~~Exceptions:~~

~~1. Single wall heat exchangers shall be permitted when all of the following conditions are met:~~

~~a. It utilizes a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);~~

~~b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and~~

~~c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.~~

~~2. Steam systems that comply with paragraph 1 above.~~

~~3. Approved listed electrical drinking water coolers.~~

~~(44) (33) In Section 608.16.4.1, add the following exception:~~

~~Exception: All class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a double check valve assembly. Such systems shall include written certification of the chemical additives at the time of original installation and service or maintenance.~~

~~(45) (34) Section 608.16.7 is deleted and replaced with the following:~~

~~608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.~~

~~(46) (35) Section 608.16.8 is deleted and replaced with the following:~~

~~608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.~~

~~(47) Section 608.16.9 is deleted and replaced with the following:~~

~~608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.~~

~~(48) (36) Section 608.16.11 is added as follows:~~

~~608.16.11 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.~~

~~(49) (37) Section 608.17 is deleted in its entirety.~~

~~(50) (38) Section 701.2 is deleted and replaced with the following:~~

~~701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-4, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.~~

~~(51) Section 802.3.2 is deleted in its entirety and replaced with the following:~~

~~802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.~~

~~(52) (39) Section 901.3 is deleted and replaced with the following:~~

~~901.3 Chemical waste vent system. The vent system for a chemical waste system shall be independent of the sanitary vent system and shall terminate separately through the roof to the open air or to an air admittance valve provided at least one chemical waste vent in the system terminates separately through the roof to the open air.~~

~~(53) (40) Section In section 904.1 is deleted and replaced with the following: where the number of inches is to be specified, 12 inches (304.8mm) is inserted.~~

~~904.1 Roof extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches (304.8 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.~~

~~(54) (41) In Section 904.6, the following sentence is added at the end of the paragraph:~~

SPECIAL NOTICES

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

~~(55)~~ (42) In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

~~(56)~~ (43) In Section 917.8 the following exception is added:

Exception: Air admittance valves shall be permitted in non-neutralized special waste systems provided that they conform to the requirements in Sections 901.3 and 702.5, are tested to ASTM F1412, and are certified by ANSI/ASSE.

(44) In Section 1002.4 the following is added at the end of the paragraph.

Approved Means of Maintaining Trap Seals. Approved means of maintaining trap seals include the following, but are not limited to the methods cited:

(a) Listed Trap Seal Primer

(b) A hose bibb or bibbs within the same room

(c) Drainage from an untrapped lavatory discharging to the tailpiece of those fixture traps which require priming. All fixtures shall be in the same room and on the same floor level as the trap primer

(d) Barrier type floor drain trap seal protection device meeting ASSE Standard 1072

(e) Deep seal p-trap

~~(57)~~ (45) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

~~(58)~~ (46) Section 1108 is deleted in its entirety.

~~(59)~~ The Referenced Standard NFPA 99c-02 in Chapter 13 is deleted and replaced with NFPA 99c-05.

~~(60)~~ The Referenced Standard NSF-2003e in Chapter 13 is amended to add Section 608.11 to the list of Referenced in code section number.

(47) In Chapter 14, Referenced Standards, the following referenced standard is added under ASSE:

TABLE

Standard reference number	Title	Referenced in code section number
1072-2007	Performance Requirements for Barrier Type Floor Drain Trap Seal Protection Devices	1004.2

~~(61)~~ (48) In Chapter 14, Referenced Standards, the following referenced standard is added:

TABLE

Standard reference number	Title	Referenced in code section number
USC-FCCCHR 9th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table 608.1

~~(62)~~ Appendix C of the IPC, Gray Water Recycling Systems as amended herein shall not be adopted by any local jurisdiction until such jurisdiction has requested Appendix C as amended to be adopted as a local amendment and such local amendment has been approved as a local amendment under these rules.

~~(63)~~ In jurisdictions which have adopted Appendix C as amended as a local amendment as provided herein, Section 301.3 of the IPC is deleted and replaced with the following:

~~301.3 Connection to the drainage system. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the drainage system of the building or premises, in accordance with the requirements of this Code. This section shall not be construed to prevent indirect waste systems provided for in Chapter 8.~~

~~Exception: Bathtubs, showers, lavatories, clothes washers and laundry sinks shall not be required to discharge to the sanitary drainage system where such fixtures discharge to a gray water recycling system meeting all the requirements as specified in Appendix C as amended by these rules.~~

~~(64)~~ Appendix C is deleted and replaced with the following, to be effective only in jurisdictions which have adopted

Appendix C as amended as a local amendment under these rules:

Appendix C, Gray Water Recycling Systems, C101 Gray Water Recycling Systems

C101.1 General, recycling gray water within a building. In R1, R2 and R4 occupancies and one and two-family dwellings, gray water recycling systems are prohibited.

In commercial occupancies, recycled gray water shall only be utilized for the flushing of water closets and urinals that are located in the same building as the gray water recycling system, provided the following conditions are met:

1. Such systems comply with Sections C101.1 through C101.14 as amended by these rules.

2. The commercial establishment demonstrates that it has and will have qualified staff to oversee the gray water recycling systems. Qualified staff is defined as level 3 waste water treatment plan operator as specified by the Department of Environmental Quality.

3. Gray water recycling systems shall only receive non hazardous waste discharge of bathtubs, showers, lavatories, clothes washers and laundry sinks such as chemicals having a pH of 6.0 to 9.0, or non flammable or non combustible liquids, liquids without objectionable odors, non highly pigmented liquids, or other liquids that will not interfere with the operation of the sewer treatment facilities.

C101.2 Permit required. A permit for any gray water recycling system shall not be issued until complete plans prepared by a licensed engineer, with appropriate data satisfactory to the Code Official, have been submitted and approved. No changes or connections shall be made to either the gray water recycling system or the potable water system within any site containing a gray water recycling system, without prior approved by the Code Official. A permit may also be required by the local health department to monitor compliance with this appendix for system operator standards and record keeping.

C101.3 Definition. The following term shall have the meaning shown herein.

GRAY WATER. Waste water discharged from lavatories, bathtubs, showers, clothes washers and laundry sinks.

C101.4 Installation. All drain, waste and vent piping associated with gray water recycling systems shall be installed in full compliance with this code.

C101.5 Gray Water Reservoir. Gray water shall be collected in an approved reservoir construction of durable, nonabsorbent and corrosion resistant materials. The reservoir shall be a closed and gas tight vessel. Gas tight access openings shall be provided to allow inspection and cleaning of the reservoir interior. The holding capacity of the reservoir shall be a minimum of twice the volume of water required to meet the daily flushing requirements of the fixtures supplied by the gray water, but not less than 50 gallons (189 L). The reservoir shall be sized to limit the retention time of gray water to 72 hours maximum.

C101.6 Filtration. Gray water entering the reservoir shall pass through an approved cartridge filter or other method approved by the Code Official.

C101.7 Disinfection. Gray water shall be disinfected by an approved method that employs one or more disinfectants such as chlorine, iodine or ozone. A minimum of 1 ppm free residual chlorine shall be maintained in the gray water recycling system reservoir. Such disinfectant shall be automatically dispensed. An alarm shall be provided to shut down the gray water recycling system if disinfectant levels are not maintained at the required levels.

C101.8 Makeup water. Potable water shall be supplied as a source of makeup water for the gray water recycling system. The potable water supply to any building with a gray water recycling system shall be protected against backflow by an RP backflow assembly installed in accordance with this code. There shall be full open valve on the makeup water supply to the reservoir. The potable water supply to the gray water reservoir shall be protected by an air gap installed in accordance with this code.

C101.9 Overflow. The reservoir shall be equipped with an overflow pipe of the same diameter as the influent pipe for the gray water. The overflow shall be directly connected to the sanitary drainage system.

C101.10 Drain. A drain shall be located at the lowest point of the reservoir and shall be directly connected to the sanitary drainage system. The drain shall be the same diameter as the overflow pipe required by Section C101.9 and shall be provided with a full open valve.

C101.11 Vent required. The reservoir shall be provided with a vent sized in accordance with Chapter 9 based on the size of the reservoir influent pipe.

C101.12 Coloring. The gray water shall be automatically dyed blue or green with a food grade vegetable dye before such water is supplied to the fixtures.

C101.13 Identification. All gray water distribution piping and reservoirs shall be identified as containing non-potable water. Gray water recycling system piping shall be permanently colored purple or continuously wrapped with purple colored Mylar tape. The tape or permanently colored piping shall be imprinted in black, upper case letters with the words "CAUTION: GRAY WATER, DO NOT DRINK."

All equipment areas and rooms for gray water recycling system equipment shall have a sign posted in a conspicuous place with the following text: TO CONSERVE WATER, THIS BUILDING USES GRAY WATER TO FLUSH TOILETS AND URINALS, DO NOT CONNECT TO THE POTABLE WATER SYSTEM. The location of the signage shall be determined by the Code Official.

C101.14 Removal from service. All gray water recycling systems that are removed from service shall have all connections to the reservoir capped and routed back to the building sewer. All gray water distribution lines shall be replaced

with new materials.

~~C201.1 Outside the building. Gray water reused outside the building shall comply with the requirements of the Department of Environmental Quality Rule R317.~~

~~(49) Appendix C of the IPC, Gray Water Recycling Systems, is deleted and replaced with the following Appendix C, Gray Water Recycling Systems, which may be adopted by local jurisdictions only as provided under these rules:~~

~~Appendix C Gray Water Recycling Systems~~

~~Note: Section 301.3 of this code requires all plumbing fixtures that receive water or waste to discharge to the sanitary drainage system of the structure. In order to allow for the utilization of a gray water system, Section 301.3 should be revised to read as follows:~~

~~(a) In jurisdictions which have adopted this Appendix C as amended as a local amendment as provided herein, Section 301.3 of the IPC is deleted and replaced with the following:~~

~~301.3 Connections to drainage system. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the sanitary drainage system of the building or premises, in accordance with the requirements of this code. This section shall not be construed to prevent indirect waste systems required by Chapter 8.~~

~~Exception: Bathtubs, showers, lavatories, clothes washers, laundry trays, and approved clear water wastes shall not be required to discharge to the sanitary drainage system where such fixtures discharge to an approved gray water system for flushing of water closets and urinals or for subsurface landscape irrigation.~~

~~SECTION C101 GENERAL~~

~~C101.1 Scope. The provisions of this appendix shall govern the materials, design, construction and installation of gray water systems for flushing of water closets and urinals (see Figure 2).~~

~~C101.2 Recording. The existence of a gray water recycling system shall be recorded on the deed of ownership for that property.~~

~~C101.3 Definition. The following term shall have the meaning show herein.~~

~~GRAY WATER. Waste discharged from lavatories, bathtubs, showers, clothes washers, laundry trays, and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility.~~

~~C101.4 Permits. Permits shall be required in accordance with Section 106 and may also be required by the local Health Department.~~

~~C101.5 Installation. In addition to the provisions of Section C101, systems for flushing of water closets and urinals shall comply with Section C102. Except as provided for in Appendix C, all systems shall comply with the provisions of the International Plumbing Code.~~

~~C101.6 Materials. Above-ground drain, waste and vent piping for gray water systems shall conform to one of the standards listed in Table 702.1. Gray water underground building drainage and vent pipe shall conform to one of the standards listed in Table 702.2.~~

~~C101.7 Tests. Drain, waste and vent piping for gray water systems shall be tested in accordance with Section 312.~~

~~C101.8 Inspections. Gray water systems shall be inspected in accordance with Section 107.~~

~~C101.9 Potable water connections. The potable water supply to any building utilizing a gray water recycling system shall be protected against backflow by a reduced pressure principle backflow preventer installed in accordance with this Code.~~

~~C101.10 Waste water connections. Gray water recycling systems shall receive only the waste discharge of bathtubs, showers, lavatories, clothes washers or laundry trays, and other clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility.~~

~~C101.11 Collection reservoir. Gray water shall be collected in an approved reservoir constructed of durable, nonabsorbent and corrosion-resistant materials. The reservoir shall be a closed and gas-tight vessel. Access openings shall be proved to allow inspection and cleaning of the reservoir interior.~~

~~C101.12 Filtration. Gray water entering the reservoir shall pass through an approved cartridge filter having a design flow rate of less than 0.375 gallons per minute per square foot of effective filter area, or a sand or diatomaceous earth filter designed to handle the anticipated volume of water.~~

~~C101.12.1 Required valve. A full-open valve shall be installed downstream of the last fixture connection to the gray water discharge pipe before entering the required filter.~~

~~C101.13 Overflow. The collection reservoir shall be equipped with an overflow pipe having the same or larger diameter as the influent pipe for the gray water. The overflow pipe shall be trapped and indirectly connected to the sanitary drainage system.~~

~~C101.14 Drain. A drain shall be located at the lowest point of the collection reservoir and shall be indirectly connected to the sanitary drainage system. The drain shall be the same diameter as the overflow pipe required in Section C101.12.~~

~~C101.15 Vent required. The reservoir shall be provided with a vent sized in accordance with Chapter 9 and based on the diameter of the reservoir influent pipe.~~

~~SECTION C102 SYSTEMS FOR FLUSHING WATER CLOSETS AND URINALS~~

C102.1 Collection reservoir. The holding capacity of the reservoir shall be a minimum of twice the volume of water required to meet the daily flushing requirements of the fixtures supplied with gray water, but not less than 50 gallons (189 L). The reservoir shall be sized to limit the retention time of gray water to a maximum of 72 hours.

C102.2 Disinfection. Gray water shall be disinfected by an approved method that employs one or more disinfectants such as chlorine, iodine, or ozone that is recommended for use with the pipes, fittings and equipment by the manufacturer of the pipe, fittings and equipment. A minimum of 1ppm residual free chlorine shall be maintained in the gray water recycling system reservoir.

C102.3 Makeup water. Potable water shall be supplied as a source of makeup water for the gray water system. The potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer installed in accordance with this Code. There shall be a full-open valve located on the makeup water supply line to the collection reservoir.

C102.4 Coloring. The gray water shall be dyed blue or green with a food grade vegetable dye before such water is supplied to the fixtures.

C102.5 Materials. Distribution piping shall conform to one of the standards listed in Table 605.4.

C102.6 Identification. Distribution piping and reservoirs shall be identified as containing nonpotable water. Piping identification shall be in accordance with Section 608.8.

SECTION C103 SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS

C103.1 Gray water recycling systems utilized for subsurface irrigation for single family residences shall comply with the requirements of Utah Administrative Code R317-401, Gray Water Systems. Gray water recycling systems utilized for subsurface irrigation for other occupancies shall comply with Utah Administrative Code R317-3 Design Requirements for Wastewater Collection, Treatment and Disposal Systems, and Utah Administrative Code R317-4, Onsite Wastewater Systems.

R156-56-804. Statewide Amendments to the IMC.

The following are adopted as amendments to the IMC to be applicable statewide:

- (1) Section 1101.10 is deleted in its entirety.

R156-56-805. Statewide Amendments to the IFGC.

The following are adopted as amendments to the IFGC to be applicable statewide:

- ~~(1) The following paragraph is added at the end of Section 305.4~~

~~305.1 General. After natural gas, space and water heating appliances have been adjusted for altitude and the Btu content of the natural gas, the installer shall apply a sticker in a visible location indicating that the proper adjustments to such appliances have been made. The adjustments for altitude and the Btu content of the natural gas shall be done in accordance with the manufacturer's installation instructions and the gas utility's approved practices.~~

- (2) (1) Chapter 4, Section 401 General, a new section 401.9 is added as follows:

401.9 Meter protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must still provide access for service and comply with the IBC or the IRC.

R156-56-806. Statewide Amendments to the NEC.

The following are adopted as amendments to the NEC to be applicable statewide:

(1) During the period of time when the adopted IRC has not yet incorporated the latest residential electrical provisions contained in the adopted NEC, the IRC provisions shall prevail as the adopted residential electrical standards applicable to installations applicable under the IRC. All other installations shall comply with the adopted NEC.

- (2) In Section 310.15(B)(6) the second sentence is deleted and replaced with the following:

For application of this section, the main power feeder shall be the feeder(s) between the main disconnect and the panelboard(s).

(3) In Section 338.10(B)(4)(a) the following words are added at the end of the first sentence after Section 334: excluding Section 334.80.

R156-56-807. Statewide Amendments to the IECC.

The following are adopted as amendments to the IECC to be applicable statewide:

- (1) In Section 504.4, the following exception is added:

Exception: Heat traps, other than the arrangement of piping and fittings, shall be prohibited unless a means of controlling thermal expansion can be ensured as required in the IPC Section 607.3.

R156-56-808. Installation and Safety Requirements for Mobile Homes Built Prior to June 15, 1976.

(1) Mobile homes built prior to June 15, 1976 which are subject to relocation, building alteration, remodeling or rehabilitation shall comply with the following:

- (a) Exits and egress windows

(i) Egress windows. The home has at least one egress window in each bedroom, or a window that meets the minimum

specifications of the U.S. Department of Housing and Urban Development's (HUD) Manufactured Homes Construction and Safety Standards (MHCSS) program as set forth in 24 C.F.R. Parts 3280, 3283 and 3283, MHCSS 3280.106 and 3280.404 for manufactured homes. These standards require the window to be at least 22 inches in the horizontal or vertical position in its least dimension and at least five square feet in area. The bottom of the window opening shall be no more than 36 inches above the floor, and the locks and latches and any window screen or storm window devices that need to be operated to permit exiting shall not be located more than 54 inches above the finished floor.

(ii) Exits. The home is required to have two exterior exit doors, located remotely from each other, as required in MHCSS 3280.105. This standard requires that single-section homes have the doors no less than 12 feet, center-to-center, from each other, and multisection home doors no less than 20 feet center-to-center from each other when measured in a straight line, regardless of the length of the path of travel between the doors. One of the required exit doors must be accessible from the doorway of each bedroom and no more than 35 feet away from any bedroom doorway. An exterior swing door shall have a 28-inch-wide by 74-inch-high clear opening and sliding glass doors shall have a 28-inch-wide by 72-inch-high clear opening. Each exterior door other than screen/storm doors shall have a key-operated lock that has a passage latch; locks shall not require the use of a key or special tool for operation from the inside of the home.

(b) Flame spread

(i) Walls, ceilings and doors. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame-spread rating not exceeding 25. Sealants and other trim materials two inches or less in width used to finish adjacent surfaces within these spaces are exempt from this provision, provided all joints are supported by framing members or materials with a flame spread rating of 25 or less. Combustible doors providing interior or exterior access to furnace and water heater spaces shall be covered with materials of limited combustibility (i.e. 5/16-inch gypsum board, etc.), with the surface allowed to be interrupted for louvers ventilating the space. However, the louvers shall not be of materials of greater combustibility than the door itself (i.e., plastic louvers on a wooden door). Reference MHCSS 3280.203.

(ii) Exposed interior finishes. Exposed interior finishes adjacent to the cooking range (surfaces include vertical surfaces between the range top and overhead cabinets, the ceiling, or both) shall have a flame-spread rating not exceeding 50, as required by MHCSS 3280.203. Backsplashes not exceeding six inches in height are exempted. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets, as required by MHCSS 3280.204(e).

(c) Smoke detectors

(i) Location. A smoke detector shall be installed on any ceiling or wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living-area side, as close to the door as practicable, as required by MHCSS 3280.208. Homes with bedroom areas separated by any one or combination of common-use areas such as a kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall be required to have one detector for each bedroom area. When located in the hallways, the detector shall be between the return air intake and the living areas.

(ii) Switches and electrical connections. Smoke detectors shall have no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. The detector shall be attached to an electrical outlet box and connected by a permanent wiring method to a general electrical circuit. The detector shall not be placed on the same branch circuit or any circuit protected by a ground-fault circuit interrupter.

(d) Solid-fuel-burning stoves/fireplaces

(i) Solid-fuel-burning fireplaces and fireplace stoves. Solid-fuel-burning, factory-built fireplaces and fireplace stoves may be used in manufactured homes, provided that they are listed for use in manufactured homes and installed according to their listing/manufacturer's instructions and the minimum requirements of MHCSS 3280.709(g).

(ii) Equipment. A solid-fuel-burning fireplace or fireplace stove shall be equipped with an integral door or shutters designed to close the fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, a hearth extension, and means to securely attach the unit to the manufactured home structure.

(A) Chimney. A listed, factory-built chimney designed to be attached directly to the fireplace/fireplace stove and equipped with, in accordance with the listing, a termination device and spark arrester, shall be required. The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the manufactured home that is within 10 feet of the chimney.

(B) Air-intake assembly and combustion-air inlet. An air-intake assembly shall be installed in accordance with the terms of listings and the manufacturer's instruction. A combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth from dropping on the area beneath the manufactured home.

(C) Hearth. The hearth extension shall be of noncombustible material that is a minimum of 3/8-inch thick and shall extend a minimum of 16 inches in front and eight inches beyond each side of the fireplace/fireplace stove opening. The hearth shall also extend over the entire surface beneath a fireplace stove and beneath an elevated and overhanging fireplace.

(e) Electrical wiring systems

(i) Testing. All electrical systems shall be tested for continuity in accordance with MHCSS 3280.810, to ensure that metallic parts are properly bonded; tested for operation, to demonstrate that all equipment is connected and in working order; and given a polarity check, to determine that connections are proper.

(ii) 5.2 Protection. The electrical system shall be properly protected for the required amperage load. If the unit wiring employs aluminum conductors, all receptacles and switches rated at 20 amperes or less that are directly connected to the aluminum conductors shall be marked CO/ALA. Exterior receptacles, other than heat tape receptacles, shall be of the ground-fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper-clad aluminum) must be connected in accordance with National Electrical Code (NEC) Section 110-14.

(f) Replacement furnaces and water heaters

(i) Listing. Replacement furnaces or water heaters shall be listed for use in a manufactured home. Vents, roof jacks, and chimneys necessary for the installation shall be listed for use with the furnace or water heater.

(ii) Securement and accessibility. The furnace and water heater shall be secured in place to avoid displacement. Every furnace and water heater shall be accessible for servicing, for replacement, or both as required by MHCSS 3280.709(a).

(iii) Installation. Furnaces and water heaters shall be installed to provide complete separation of the combustion system from the interior atmosphere of the manufactured home, as required by MHCSS.

(A) Separation. The required separation may be achieved by the installation of a direct-vent system (sealed combustion system) furnace or water heater or the installation of a furnace and water heater venting and combustion systems from the interior atmosphere of the home. There shall be no doors, grills, removable access panels, or other openings into the enclosure from the inside of the manufactured home. All openings for ducts, piping, wiring, etc., shall be sealed.

(B) Water heater. The floor area in the area of the water heater shall be free from damage from moisture to ensure that the floor will support the weight of the water heater.

R156-56-820. Statewide Amendments to the IEBC.

The following are adopted as amendments to the IEBC to be applicable statewide:

(1) In Section 101.5 the exception is deleted.

~~(2) Section R106.3.2 is deleted and replaced with the following:~~

~~R106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.~~

~~(3) (2) In Section 202 the definition for existing buildings is deleted and replaced with the following:~~

~~EXISTING BUILDING. A building lawfully erected prior to January 1, 2002 under a prior adopted code, or one which is deemed a legal non-conforming building by the code official, and one which is not a dangerous building.~~

~~(3) In Section 605.1, Exception number 3, the following is added at the end of the sentence: "unless undergoing a change of occupancy classification."~~

~~(4) Section 606.2.2 606.2.1 is deleted and replaced with the following:~~

~~606.2.2 606.2.1 Parapet bracing, wall anchors, and other appendages. Buildings constructed prior to 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be evaluated in accordance with the reduced International Building Code level seismic forces as specified in IEBC Section 506.1.1.3 101.5.4.2 and design procedures of Section 506.1.1.1 101.5.4. When found to be deficient because of design or deteriorated condition, the engineer's recommendations to anchor, brace, reinforce, or remove the deficient feature shall be implemented.~~

~~EXCEPTIONS:~~

~~1. Group R-3 and U occupancies.~~

~~2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F.~~

~~(5) Section 705.3.1.2 is deleted and replaced with the following:~~

~~705.3.1.2 Fire escapes required. When more than one exit is required, an existing fire escape complying with Section 705.3.1.2.1 shall be accepted as providing one of the required means of egress.~~

~~705.3.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:~~

~~1. Occupants shall have unobstructed access to the fire escapes without having to pass through a room subject to locking.~~

~~2. Access to an existing fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications.~~

~~3. Existing fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.~~

~~4. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire assemblies having minimum 3/4-hour fire resistance ratings.~~

~~Exception: Opening protection shall not be required in buildings equipped throughout with an approved automatic~~

sprinkler system.

~~5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, rooming houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.~~

~~(6) Section 906.1 is deleted and replaced with the following:~~

~~906.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with Section 605 and 912.8.~~

~~(7) (5) Section 907.3.1 is deleted and replaced with the following:~~

~~907.3.1 Compliance with the International Building Code. When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher seismic occupancy based on Table 1604.5 of the International Building Code; or where such change of occupancy results in a reclassification of a building to a higher hazard category as shown in Table 912.4; or where a change of a Group M occupancy to a Group A, ETM E, F, M, R-1, R-2, or R-4 occupancy with two-thirds or more of the floors involved in Level 3 alteration work; or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall conform to the seismic requirements of the International Building Code for the new seismic use~~

group.

Exceptions 1-4 remain unchanged.

5. Where the design occupant load increase is less than 25 occupants and the occupancy category does not change.

~~(8) (6) In Section 912.7.3 exception 2 is deleted.~~

~~(9) (7) In Section 912.8 number 7 is added as follows:~~

7. When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one unit, of the dwelling or sleeping units shall be Type A dwelling units.

R156-56-901. Local Amendments to the IBC.

The following are adopted as amendments to the IBC to be applicable to the following jurisdictions:

(1) City of Farmington:

(a) A new Section ~~(F)903.2.14~~ (F) 903.2.13 is added as follows:

~~(F)903.2.14~~ (F) 903.2.13 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. The structure is over two stories high, as defined by the building code;
2. The nearest point of structure is more than 150 feet from the public way;
3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief.

(b) A new Section ~~907.20~~ 907.9 is added as follows:

~~907.20~~ 907.9 Alarm Circuit Supervision. Alarm circuits in alarm systems provided for commercial uses (defined as other than one- and two-family dwellings and townhouses) shall have Class "A" type of supervision. Specifically, Type "B" or End-of-line resistor and horn supervised systems are not allowed.

(c) NFPA ~~13-02~~ 13-07 is amended to add the following new sections:

6.8.6 FDC Security Locks Required. All Fire Department connections installed for fire sprinkler and standpipe systems shall have approved security locks.

6.10 Fire Pump Disconnect Signs. When installing a fire pump, red plastic laminate signs shall be installed in the electrical service panel, if the pump is wired separately from the main disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES NOT Shut Off Fire Pump".

~~14.1.4.5~~ 22.1.6 Plan Preparation Identification. All plans for fire sprinkler systems, except for manufacturer's cut sheets of equipment shall include the full name of the person who prepared the drawings. When the drawings are prepared by a registered professional engineer, the engineer's signature shall also be included.

~~15.1.2.5~~ 22.2.2.3 Verification of Water Supply:

~~15.1.2.5.1~~ 22.2.2.3.1 Fire Flow Tests. Fire flow tests for verification of water supply shall be conducted and witnessed for all applications other than residential unless directed otherwise by the Chief. For residential water supply, verification shall be determined by administrative procedure.

~~15.1.2.5.2~~ 22.2.2.3.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an accurate and verifiable water supply.

17-8-4 24.2.3.7 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall include, but are not limited to:

Commercial:

FLUSH-Witness Underground Supply Flush;

ROUGH Inspection-Installation of Riser, System Piping, Head Locations and all Components, Hydrostatic Pressure

Test;

FINAL Inspection-Head Installation and Escutcheons, Inspectors Test Location and Flow, Main Drain Flow, FDC Location and Escutcheon, Alarm Function, Spare Parts, Labeling of Components and Signage, System Completeness, Water Supply Pressure Verification, Evaluation of Any Unusual Parameter.

(2) City of North Salt Lake

A new Section ~~(F)903.2.14~~ (F) 903.2.13 is added as follows:

~~(F)903.2.14~~ (F)903.2.13 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when the following condition is present:

1. The structure is over 6,200 square feet.

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief.

(3) Park City Corporation

In Section 3409.2 Exception 3 is modified to read as follows:

3. Designated as historic under a state or local historic preservation program.

~~(3)~~ (4) Park City Corporation and Park City Fire District:

(a) Section (F)903.2 is deleted and replaced with the following:

(F)903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

All new construction having more than two (2) stories, except R-3 occupancy.

All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

All new construction in the Historic Commercial Business zone district, regardless of occupancy.

All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

All existing building within the Historic District Commercial Business zone.

(b) In Table 1505.1, the following is added as footnotes d and e:

d. Wood roof covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors. The owner of the building shall enter into a written and recorded agreement that the Class A rating of the roof covering assembly will not be altered through any type of maintenance process.

TABLE 1505.1.1
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

TABLE 1505.1.2
PROHIBITION/ALLOWANCE OF WOOD ROOFING

Rating	R-3 Occupancy	All Other Occupancies
less than or equal to 11	wood roof covering assemblies per Table 1505.1 are allowed	wood roof covering assemblies per Table 1505.1 are allowed
greater than or equal to 12	wood roof covering is prohibited	wood roof covering assemblies with a Class A rating are allowed

(c) Appendix C is adopted.

(5) Salt Lake City

(a) In Section 1008.1.9.7 an exception is added at the end as follows:

Exception: In International Airport areas designated as Group "A" Occupancies where national security interests are present, the use of panic hardware with delayed egress is allowed when all provision of 1008.1.9.7 are met and under item #4 1 second is changed to 2 seconds.

(4) (6) Sandy City

(a) Section (F)~~903.2.14~~ 903.2.13 is added as follows:

(F)~~903.2.14~~ 903.2.13 An automatic sprinkler system shall be installed in accordance with NFPA 13 throughout buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table B105.1 of the 2006 2009 International Fire Code. Exempt locations as indicated in Section 903.3.1.1.1 are allowed.

Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R Division 3, Group U occupancies and buildings complying with the International Residential Code unless otherwise required by the International Fire Code.

(b) Appendix L is added to the IBC and adopted as follows:

Appendix L BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS WILDLAND-URBAN INTERFACE AREAS

AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International Wildland-Urban Interface Code, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 International Wildland-Urban Interface Code.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

R156-56-902. Local Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

(1) All local amendments to the IBC under Section R156-56-901, the NEC under Section R156-56-906, the IPC under Section R156-56-903, the IMC under Section R156-56-904, the IFGC under Section R156-56-905 and the IECC under Section R156-56-907 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC for the local jurisdiction to which the local amendment has been made. ~~All references to the IGC Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b).~~

(2) City of Farmington:

~~R325~~ R324 Automatic Sprinkler Systems.

(a) Sections ~~R325.1~~ R324.1 and ~~R325.2~~ R324.2 are added as follows:

~~R325.1~~ R324.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. the structure is over two stories high, as defined by the building code;
2. the nearest point of structure is more than 150 feet from the public way;
3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

~~R325.2~~ R324.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief. Such system shall be installed in accordance with NFPA 13-D.

(b) In Chapter ~~43~~ 44, Referenced Standards, the following NFPA referenced standards are added as follows:

TABLE

ADD	
13D-0213D-07	Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes, as amended by these rules
13R-0213R-07	Installation of Sprinkler Systems in

(c) NFPA ~~13D-02~~ 13D-07 is amended to add the following new sections:

1.15 Reference to NFPA 13-D. All references to NFPA 13-D in the codes, ordinances, rules or regulations governing NFPA 13-D systems shall be read to refer to "modified NFPA 13-D" to reference the NFPA 13-D as amended by additional regulations adopted by Farmington City.

4.6 Testing and Inspection of Systems. Testing and inspection of sprinkler systems shall include, but are not limited to:
Residential:

ROUGH Inspection-Verify Water Supply Piping Size and Materials, Installation of Riser, System Piping, Head Locations and all Components, Hydrostatic Pressure Test.

FINAL Inspection-Inspectors Test Flow, System Completeness, Spare Parts, Labeling of Components and Signage, Alarm Function, Water Supply Pressure Verification.

5.2.2.3 Exposed Piping of Metal. Exposed Sprinkler Piping material in rooms of dwellings shall be of Metal.

EXCEPTIONS:

a. CPVC Piping is allowed in unfinished mechanical and storage rooms only when specifically listed for the application as installed.

b. CPVC Piping is allowed in finished, occupied rooms used for sports courts or similar uses only when the ceiling/floor framing above is constructed entirely of non-combustible materials, such as a concrete garage floor on metal decking.

5.2.2.4 Water Supply Piping Material. Water Supply Piping from where the water line enters the dwelling adjacent to and inside the foundation to the fire sprinkler contractor point-of-connection shall be metal, suitable for potable plumbing systems. See Section 7.1.4 for valve prohibition in such piping. Piping down stream from the point-of-connection used in the fire sprinkler system, including the riser, shall conform to NFPA 13-D standards.

5.4 Fire Pump Disconnect Signs. When installing a Fire Pump, Red Plastic Laminate Signs shall be installed in the electrical service panel, if the pump is wired separately from the main disconnect. These signs shall state: "Fire Pump Disconnect ONLY" and "Main Breaker DOES NOT Shut Off Fire Pump".

7.1.4 Valve Prohibition. NFPA 13-d, Section 7.1 is hereby modified such that NO VALVE is permitted from the City Water Meter to the Fire Sprinkler Riser Control.

7.6.1 Mandatory Exterior Alarm. Every dwelling that has a fire sprinkler system shall have an exterior alarm, installed in an approved location. The alarm shall be of the combination horn/strobe or electric bell/strobe type, approved for outdoor use.

8.1.05 Plan Preparation Identification. All plans for fire sprinkler systems, except for manufacturer's cut sheets of equipment, shall include the full name of the person who prepared the drawings. When the drawings are prepared by a registered professional engineer, the engineer's signature shall also be included.

8.7 Verification of Water Supply:

8.7.1 Fire Flow Tests: Fire Flow Tests for verification of Water Supply shall be conducted and witnesses for all applications other than residential, unless directed otherwise by the Chief. For residential Water Supply, verification shall be determined by administrative procedure.

8.7.2 Accurate and Verifiable Criteria. The design calculations and criteria shall include an accurate and verifiable Water Supply.

(3) Morgan City Corp:

In Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.

b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a site plan is submitted to, and approved by the building official.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

(4) Morgan County:

In Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.

b. The structure is set back not less than required by the Morgan County Zoning Ordinance for such structures, but not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

SPECIAL NOTICES

d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan County Planning and Zoning Department.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

(5) City of North Salt Lake:

A new Section R324 is added as follows:

Section R324 Automatic Sprinkler System Requirements.

Sections R325.1 and R325.2 are added as follows:

R325.1 R324.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet.

R325.2 R324.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13-D.

(6) Park City Corporation:

Appendix P of the 2006 IRC is hereby adopted.

(7) Park City Corporation and Park City Fire District:

(a) Section R905.7 is deleted and replaced with the following:

R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE

WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE RATING WOOD ROOF PROHIBITION less than or equal to 11 wood roofs are allowed greater than or equal to 12 wood roofs are prohibited

(b) Section R905.8 is deleted and replaced with the following:

R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE

WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE RATING WOOD ROOF PROHIBITION less than or equal to 11 wood roofs are allowed greater than or equal to 12 wood roofs are prohibited

(c) Appendix K is adopted.

(8) Sandy City

A new Section R325 R324 is added to the IRC as follows:

Section R325 R324 IGNITION RESISTANT CONSTRUCTION

R325.1 R324.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 IWUIC.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

R156-56-903. Local Amendments to the IPC.

The following are adopted as amendments to the IPC to be applicable to the following jurisdictions:

(1) Salt Lake City

Appendix C of the IPC as specified and amended in R156-56-803(62), (63) and (64) (49)

(2) South Jordan

(a) Section ~~312.9.2~~ 312.10.2 is deleted and replaced with the following:

~~312.9.2~~ 312.10.2 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1. Assemblies, other than the reduced pressure principle assembly, protecting lawn irrigation systems that fail the annual test shall be replaced with a reduced pressure principle assembly.

(b) Section 608.16.5 is deleted and replaced with the following:

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a reduced pressure principle backflow preventer.

R156-56-904. Local Amendment to the IMC.

The following are adopted as amendments to the IMC to be applicable to the following jurisdictions: None.

R156-56-905. Local Amendment to the IFGC.

The following are adopted as amendments to the IFGC to be applicable to the following jurisdictions: None.

R156-56-906. Local Amendment to the NEC.

The following are adopted as amendments to the NEC to be applicable to the following jurisdictions: None.

R156-56-907. Local Amendment to the IECC.

The following are adopted as amendments to the IECC to be applicable to the following jurisdictions: None.

R156-56-920. Local Amendment to the IEBC.

The following are adopted as amendments to the IEBC to be applicable to the following jurisdictions: None.

Part 2

Summary of Recommended Building Code and Amendment Changes Under

UTAH UNIFORM BUILDING STANDARDS ACT

(as of 9/14/09)

Summary of Recommended Building Code and Amendment Changes Under
Uniform Building Standards Act
(Construction Codes)

This document is a summary of the proposed changes to the updated 2009 national codes and the amendments to those codes as approved by the Uniform Building Code Commission for publication for consideration at a public hearing to be held on October 15, 2009 at 9:00 AM in Room 1112 of the State Office Building, Salt Lake City, Utah.

These recommendations are subject to change after the public hearing before a final recommendation is made by the Uniform Building Code Commission to the Legislature.

This proposal recommends that the 2009 codes and amendments be adopted effective July 1, 2010.

The proposed changes are written with strikethrough and underline as if the changes are being made to existing rules, which previously adopted the building codes. The changes are shown in this format for easier identification of items that are recommended for change. It is anticipated that the Office of Legislative Research and General Counsel will convert the rule

format shown to another format which can then be adopted by a the Legislature.

Overall Summary of Proposed Changes:

Pending the results of the public hearing, the Uniform Building Code Commission is recommending that most of the current amendments under the 2006 codes be carried forward as amendments to the updated 2009 codes. In some cases, technical changes such as numbering or rewording have been needed to coordinate with the 2009 edition of the national codes. In most of these cases, keeping the prior amendments does not substantially change the relevant construction standards.

Pending the results of the public hearing, the Uniform Building Code Commission is recommending that several current amendments be deleted. Most of these deletions are being recommended because the 2009 codes now adequately address the reason for the Utah amendment. Most of these deletions do not substantially change the relevant construction standards.

Several new amendments to the 2009 national codes are also being recommended. Most of these new amendments delete or replace new provisions contained in the 2009 codes, which the Uniform Building Code Commission has recommended to not be included in the updated Utah building codes.

These items recommended for deletion from the 2009 codes include the requirements:

- that fire sprinklers be installed in all residences;
- that arc fault circuit interrupters be installed throughout a residence;
- that electrical feeder lines have increased size requirements;
- that live load signs be posted in some buildings;
- that new guard rail height requirements be increased around fixed seating on decks;
- that residential energy efficiency requirements be increased;
- that luminous egress markings be placed in certain buildings;
- that locking type caps be placed on certain refrigerant equipment;
- that window location and opening restrictions be increased.

Some new amendments to the 2009 national codes are also being recommended. Most of these changes reduce burdensome requirements that have been added to the 2009 version of the national code to a more appropriate requirement level.

Summary of Individual Amendments:

Amendments to the specific editions of Uniform Building Standards:

R156-56-701(1), (2), and (3):

The changes in these subsections recommend changing the adopted codes from the 2006 International Code Council (ICC Codes) to the 2009 ICC Codes, together with update to the latest (2006) standard for Seismic Rehabilitation of Existing Building; with a recommended effective date of July 1, 2010.

R156-56-701[prior (3) deleted]:

This subsection (continuation of prior code until amended or appealed) is being deleted because the statute as modified by SB 211 addresses this issue and therefore this part of the existing rule is no longer needed.

R156-56-701(4):

The changes in this subsection are technical corrections to reference the International Residential Code rather than the International Building Code. The International Residential Code should have been referred to for these manufactured housing standards.

R156-56-701(7):

This subsection needs to be changed to reflect that subsection 58-56-4(2) controls the extent of applicability of the adopted codes. The prior reference to rulemaking is now inappropriate since the legislature now adopts the codes rather than the Uniform Building Code Commission and DOPL by rule. This amendment is needed because the national codes often contain administrative provisions which the Utah legislature has designated to be established and performed by the local compliance agencies, such as establishing a method of appeal and establishing the building inspection departments with authority over construction projects. The adopted codes may also contain provisions that involve requirements for existing buildings, which exceed the scope of subsection 58-56-4(2) or reference other codes which have not been adopted in Utah.

Amendments to the International Building Code:**R156-56-801 [prior (1) and (2) deleted]:**

These amendments (deleting references to the ICC Electrical Code) are no longer needed because the International Building Code no longer references the ICC Electrical Code, which was not adopted in Utah.

R156-56-801(1) - section 106:

This amendment is recommended because this new section of the International Building Code was determined not to be necessary. The new code provision that was deleted required signs stating that engineering live loads must be posted throughout a building. The relevance or meaning of this information would not generally be known to most persons other than engineers. If needed, an engineer could determine the information from the building plans.

R156-56-801 [prior (3) deleted]:

This amendment (codes applicable to a project started before a new code is adopted) is no longer needed because it is adequately addressed in the 2009 codes.

R156-56-801(2) - section 110:

This subsection (weather resistant wall envelope and flashing) keeps the existing amendment with renumbering to coordinate with a change of numbering in the 2009 codes and makes technical language changes.

R156-56-801(3) - section 115.1:

This subsection (authority to stop work when work is dangerous, unsafe or does not follow codes) keeps the existing amendment with renumbering to coordinate with change of numbering in the 2009 codes.

R156-56-801(4) - section 202;**R156-56-801(5) - section 202;****R156-56-801(6) - section 304;****R156-56-801(7) - section 305.2;****R156-56-801(8) - section 308;****R156-56-801(9) - section 308.2;****R156-56-801(10) - section 308.3;****R156-56-801(11) - section 308.3.1;****R156-56-801(12) - section 308.5;****R156-56-801(13) - section 308.5.2;****R156-56-801(14) - section 310.1;****R156-56-801(15) - section 310.1;****R156-56-801(16) - section 310.1;****R156-56-801(17) - section 310.1;****R156-56-801(18) - section 310.2;****R156-56-801(20) - section 422.1;****R156-56-801(21) - section 422;****R156-56-801(22) - section 424;****R156-56-801(23) - section 504.2;****R156-56-801(24) - Table 508.4; and****R156-56-801(25) - section 707.5:**

These subsections keep existing amendments, make technical changes or create new amendments needed to coordinate with requirements under other laws and rules. These amendments are part of coordinating requirements with federal laws, and statutes and rules under the Utah Department of Health and the Utah Department of Human Services, which regulate assisted living care facilities, health care facilities, ambulatory health care facilities, congregate living facilities, child care facilities and similar facilities.

R156-56-801(19) - section 403.5.5:

This amendment is deleting a new requirement in the 2009 code requiring luminous egress pathway markings that were found to be too burdensome and costly to justify.

R156-56-801(26) - section (F)902:

This is an existing amendment (clarifying requirements for record drawings) that is recommended to be carried forward.

R156-56-801(27) - section (F)903.2.2:

This is a new technical amendment (group B ambulatory health care facilities) that is recommended in order to clarify the wording in this section of the code. This amendment is part of coordinating requirements with federal laws or statutes and rules under the Utah Department of Health and the Utah Department of Human Services, which regulates assisted living care facilities, health care facilities, child care facilities and similar facilities.

R156-56-801(28) - section (F)903.2.4:

This subsection (group F-1 fire areas) keeps the existing amendment with renumbering to coordinate with the change of numbering in the 2009 code. The wording has been modified to coordinate with wording in the 2009 code.

R156-56-801(29) - section (F)903.2.7:

This subsection (Group M fire areas) keeps the existing amendment with technical changes and renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(30) - section (F)903.2.8:

This subsection (Group R fire areas) keeps the existing amendment with renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(31) - section (F)903.2.9:

This subsection (Group S-1 fire areas) keeps the existing amendment with renumbering to coordinate with the change of numbering in the 2009 code. It has been modified in order to coordinate with wording in the 2009 code.

R156-56-801(32) - section (F)903.2.10:

This subsection (group S-2 fire areas) keeps the existing amendment with technical changes and renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(33) - section (F)903.2.10.1

This subsection (fire areas over 5,000 square feet) keeps the existing amendment with renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(34) - section (F)903.2.11

This subsection (commercial cooking systems) modifies and keeps the existing amendment with renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(35) - subsections (F)904.11.3 to (F)904.11.4.1:

This is a new amendment (commercial cooking systems) deleting sections of the code that are not needed and coordinates provisions with the amendment under section (F)903.2.11.

R156-56-801 [prior (26) deleted]:

This amendment (smoke and carbon monoxide alarms) is no longer needed as smoke alarms are adequately addressed in the 2009 code and the carbon monoxide alarms provisions are simplified and carried forward under the amendment to section (F)907.9.

R156-56-801(36) - section (F)907.9:

This subsection (carbon monoxide alarms) modifies, simplifies and keeps the existing amendment and is renumbered to coordinate with the change of the numbering in the 2009 code.

R156-56-801[prior (27), (28), and (29) deleted]:

These amendments (areas or refuge and controlled egress) are no longer needed as they are adequately addressed in the 2009 code.

R156-56-801(37) - section 1008.1.9.6:

This is a new amendment (group I-1 and I-2 areas) that is recommended to coordinate with the statute and rule requirements of the Utah Department of Health and the Utah Department of Human Services.

R156-56-801(38) - section 1009.4.2:

This subsection (stair geometry) keeps the existing amendment with renumbering to coordinate with change of numbering in the 2009 code. This is the stair rise and run amendment that was hotly debated several years ago. It was decided at that time to stay with the stair requirement that has been in Utah codes for quite some time rather than to change to new

requirements placed in the International Building Code.

R156-56-801(39) - section 1009.12:

This subsection (handrail requirements) keeps the existing amendment with renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801[prior (32) deleted]:

This subsection (non circular handrail requirements) is recommended to be deleted as it is adequately addressed in the 2009 code.

R156-56-801(40) - section 1013.2:

This is a new amendment that is being recommended to delete additional guard height requirements when adjacent fixed seating is installed. This requirement in the 2009 code was found to be too restrictive.

R156-56-801(41) - section 1013.2:

This subsection (minimum guard heights) keeps the existing amendment with the exception renumbered to coordinate with a change in the 2009 code.

R156-56-801(42) - section 1015.2.2:

This subsection (exit doorway spacing) keeps an existing amendment.

R156-56-801(43) - section 1024:

This is a new amendment recommending the deletion of a new requirement in the 2009 code because it was determined that the requirement is too costly and too burdensome. This section of the code was a new section requiring luminous egress path markings be placed in certain buildings.

R156-56-801(44) - section 1109.7.1:

This subsection (platform lift requirements) keeps the existing amendment.

R156-56-801(45) - section 1208.4 :

This subsection (minimum living space) keeps the existing amendment.

R156-56-801[prior (37) deleted]:

This amendment (flashing requirements) is no longer needed as it is adequately covered in the 2009 code.

R156-56-801(46) - Table 1604.5:

This is a new amendment that is recommended for approval. This is recommended to coordinate with the requirements of the Utah Department of Health.

R156-56-801(47) - section 1605.2.1:

This subsection (roof configurations) keeps the existing amendment.

R156-56-801(48) - section 1605.3.1:

This subsection keeps the existing amendment. This is part of the Utah snow load requirements. The national codes defer determining snow load requirements to the individual state. Snow load requirements have been important in Utah because of the many areas in Utah where construction needs added protection for snow loads.

R156-56-801[prior (40) deleted]:

This amendment (deck load requirements) is no longer needed as it is adequately covered in the 2009 code.

R156-56-801(49) - section 1608.1;

R156-56-801(50) - section 1608.1.1;

R156-56-801(51) - section 1608.1.2;

R156-56-801(52) - Table 1608.1.2(a) and Table 1608.1.2(b);

R156-56-801(53) - section 1608.1.3;

R156-56-801(54) - section 1608.2;

R156-56-801(56) - section 1613.1.1:

These subsections keep existing amendments with some technical corrections and renumbering to coordinate with changes in numbering in the 2009 codes. These amendments are part of the Utah snow load requirements.

R156-56-801(55) - section 1609.1.1;

This subsection (wind design procedure for signs) keeps an existing amendment with technical updates to clarify that this amendment is allowed only for signs and free standing walls.

R156-56-801 (57) - section 1613.8:

This subsection (penetration of ceiling tile) keeps an existing amendment.

R156-56-801[prior (50) deleted]:

This amendment (foundation walls) is no longer needed as it is adequately covered in the 2009 code.

R156-56-801(58) - section 1807.1.6.4:

This subsection (empirical concrete foundations) keeps an existing amendment with renumbering to coordinate with the change of numbering in the 2009 codes and makes technical language changes.

R156-56-801(59) - Table 1807.1.6.4:

This subsection (empirical concrete foundations) keeps an existing amendment with renumbering to coordinate with the change of numbering in the 2009 codes and makes technical language changes.

R156-56-801(60) - section 2306.1.5:

This subsection keeps an existing amendment. This is part of Utah snow load requirements.

R156-56-801(61) - section 2308.6:

This subsection (foundation plates or sills) keeps an existing amendment.

R156-56-801(62) - section 2506.2.1:

This subsection (ceiling panel materials) keeps an existing amendment.

R156-56-801(63) - section 2902.1:

This subsection (minimum plumbing facilities) keeps an existing amendment.

R156-56-801(64) - section 3006.5:

This subsection (shunt trip) keeps an existing amendment.

R156-56-801(65) - section 3401.6:

This subsection (parapet bracing) keeps an existing amendment with renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(66) - section 3408.4:

This subsection (change of occupancy) keeps an existing amendment with renumbering to coordinate with the change of numbering in the 2009 code.

R156-56-801(67) - section 3411.1:

This subsection (type B dwelling or sleeping units) keeps an existing amendment with renumbering to coordinate with the change of numbering in the 2009 code. There are some technical changes in the wording.

R156-56-801[prior 61 deleted]:

This amendment (change of occupancy) is no longer needed because it is adequately addressed in the 2009 code.

R156-56-801(68) - Chapter 35:

This subsection (referenced standards) keeps an existing amendment with technical changes and renumbering.

R156-56-801(69) - Chapter 35:

This is a new amendment (referenced standards) that is recommended. This is necessary to correspond with the carbon monoxide alarm amendment.

Amendments to the International Residential Code:

R156-56-802(1):

This subsection keeps an existing amendment but is modified because the IRC no longer makes a reference to the ICC Electrical Code which was not adopted in Utah.

R156-56-802[prior (2) deleted]:

This amendment (prior approval) is no longer needed as it is adequately covered in the 2009 code.

R156-56-802(2) - section R109:

This subsection (weather resistant barrier and flashing) keeps an existing amendment.

R156-56-802(3) - section R114.1:

This subsection (authority to stop work when work is dangerous, unsafe or does not follow codes) keeps an existing amendment.

R156-56-802[prior (5) deleted]:

This amendment (backsiphonage) is no longer needed as it is adequately covered in the 2009 code.

R156-56-802(4) - section R202:

This subsection (certified backflow preventer assembly testing) keeps an existing amendment that coordinates with Department of Environmental Quality requirements.

R156-56-802(5) - section R202:

This subsection (cross connection) keeps an existing amendment that coordinates with Department of Environmental Quality requirements.

R156-56-802[prior (8) deleted]:

This amendment (heat exchanger) is no longer needed as it is adequately covered in the 2009 code.

R156-56-802(6) - section R202:

This subsection (potable water) keeps an existing amendment that coordinates with the Department of Health requirements.

R156-56-802[prior (10) and (11) deleted]:

These amendments (s-trap and water heater) are no longer needed as they are adequately covered in the 2009 code.

R156-56-802(7) - Table R301.2(5a) and Table R301.2(5b):

R156-56-802(8) - section R301.6:

These subsections keep existing amendments. This is part of the Utah snow load requirements. The national codes defer determining snow load requirements to the individual state. Snow load requirements have been important in Utah because of the many areas in Utah where construction needs added protection for snow loads.

R156-56-802(9) - section R302.2:

R156-56-802(10) - section R302.2.4:

These are new amendments (2 hour fire wall requirements) that are necessary to return the fire wall requirements to a 2 hour fire wall instead of a 1 hour fire wall. The reduction was allowed in the 2009 national code because the 2009 code required fire sprinklers in all residences. Since this requirement for fire sprinklers is being deleted by a Utah amendment, this 2 hour fire wall provision needs to be put back into the code if fire sprinklers are not installed.

R156-56-802 [prior (14) deleted]:

This amendment (minimum dimensions) is no longer needed as it was determined to be too burdensome and is adequately covered in the 2009 code.

R156-56-802(11) - section R311.7.4:

This subsection keeps an existing amendment. This is the stair rise and run amendment that was hotly debated several years ago. It was decided at that time to stay with the stair requirement that has been in Utah codes for quite some time rather than to change to new requirements placed in the IRC code.

R156-56-802(12) - section R312.2:

This is a new amendment to delete a new requirement in the IRC. This section of the new code was determined to be too restrictive regarding guard heights when adjacent fixed seating is installed.

R156-56-802(13) - section R313:

This is a new amendment to delete a new requirement in the IRC requiring fire sprinklers in all residences. This new requirement was determined to be too burdensome and the change has not been supported by adequate studies.

R156-56-802[prior 16 deleted]:

This amendment (smoke and carbon monoxide alarms) is being deleted and replaced with subsection (14) which has been modified and simplified.

R156-56-802(14) - section R315.1:

This is a new amendment (carbon monoxide alarms) that is a modification and simplification of a previous amendment in subsection (16).

R156-56-802(15) - section R315.3:

This is a new amendment (alarm requirements) that is a modification and simplification of a previous amendment in prior subsection (16).

R156-56-802(16) - section R403.1.6:

R156-56-802(17) - section R403.1.6.1:

These subsections (anchor bolt spacing) keep existing amendments.

R156-56-802(18) - section R404.1:

This subsection (concrete masonry foundation walls) keeps an existing amendment with modifications and simplification to the wording.

R156-56-802[prior (20) deleted]:

This amendment (exterior plaster) is no longer needed as it is now adequately addressed in the 2009 code.

R156-56-802[prior (21) deleted]:

This amendment (flashing) is no longer needed as it is adequately covered in the 2009 code.

R156-56-802(19) - section 612.2 to 612.4.2:

This subsection deletes new requirements in the 2009 code regarding window installations limitations and protections from opening that were too burdensome.

R156-56-802(20) - chapter 11:

This subsection deletes the energy conservation provisions of the 2009 International Residential Codes and replaces it with the provisions contained in the 2006 International Residential Code and the corresponding chapter of the 2006 International Energy Conservation Code. There has not be adequate studies in this area to justify a recommendation to adopt these provisions. The advisory committees have been requested to study this issue during the next year.

R156-56-802(21) - section M1411.6:

This is a new amendment recommended to delete a new section of the 2009 code because it was determined to be unnecessary. This new section required locking type caps be placed on certain refrigerant circuit access ports even though they were not required by the manufacturer's specifications.

R156-56-802(22) - section M1502.4.4.1 :

This is a new amendment that is being added to increase potential dryer vent length from 25 feet to 35 feet. This amendment allows dryer vents be as long as permitted by the manufacturer's specifications.

R156-56-802(23) - section G2401.2:

This subsection (meter protection) keeps an existing amendment that is needed to protect meters from ice or snow.

R156-56-802(24) - section P2602.3:

This subsection (water supply) keeps an existing amendment. This amendment coordinates with requirements from the Utah Department of Natural Resources, Division of Water Rights.

R156-56-802(25) - section P2602.4:

This subsection (sewer required) keeps an existing amendment. This amendment coordinates with requirements from

the Department of Environmental Quality.

R156-56-802[prior (25) deleted]:

This amendment (protective shield plates) is no longer needed as it is adequately covered in the 2009 code.

R156-56-802(26) - section P2801.7:

This subsection (water heater seismic bracing) keeps an existing amendment.

R156-56-802(27) - section P2902.1.1:

This subsection (backflow assembly testing) keeps an existing amendment. This amendment coordinates with requirements from the Department of Environmental Quality.

R156-56-802(28) - Table P2902.3:

This subsection (methods of protections) keeps an existing amendment, with part of this amendment moved to Table 2902.3a. This amendment coordinates with requirements from the Department of Environmental Quality.

R156-56-802(29) - Table P2902.3a:

This subsection (specialty backflow devices) keeps an existing amendment, with part of the amendment moved from Table P2902.3. This amendment coordinates with requirements from the Department of Environmental Quality.

R156-56-802[prior (30) deleted]:

This amendment (improper connections) is no longer needed as it is adequately covered in the 2009 code.

R156-56-802(30) - section P3103.6:

This subsection (vent terminals) keeps an existing amendment.

R156-56-802(31) - section P3104.4:

This subsection (horizontal dry vents) keeps an existing amendment.

R156-56-802(32) - section E3902.11:

This is a new amendment that is being recommended for approval. The requirement is being modified to keep the arc fault circuit interrupter requirement the same as is contained in the 2006 code, which only required this interrupter in bedrooms rather than throughout a house. The new requirement was determined to not have had adequate study or experience to justify the additional requirements.

R156-56-802(33) - Chapter 44:

This subsection keeps an existing amendment with technical corrections.

R156-56-802(34) - Chapter 44:

This subsection keeps an existing amendment with technical updates.

R156-56-802(35) - Appendix O:

This is a new amendment that is being recommended for approval. This would delete the requirements for gray water contained in the 2009 code and replaces them with requirements, which coordinate with requirements of Utah Department of Health and the Utah Department of Environmental Quality, and to correspond with an updated amendment to the International Plumbing Code.

Amendments to the International Plumbing Code

R156-56-803(1):

This is a new amendment that is being recommended for clarification that the International Private Sewage Disposal Code is not being adopted. The International Private Sewage Disposal Code is printed in the same book with the in the 2009 International Plumbing Code but is not part of the code that has been adopted.

R156-56-803(2) - section 202:

This subsection (backflow backpressure) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803[prior (2) deleted]:

This amendment (backsiphonage) is no longer needed as it is now adequately covered in the 2009 code.

R156-56-803(3) - section 202:

This subsection (certified backflow prevention assembly tester) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803(4) - section 202:

This subsection (cross connection) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803[prior (5) deleted]:

This amendment (heat exchanger) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(5) - section 202:

This subsection keeps an existing amendment (potable water) that has been in place to correlate with the requirements of the Department of Health.

R156-56-803 [prior (7) deleted]:

This amendment (s-trap) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803 [prior (8) deleted]:

This amendment (water heater definition) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(6) - Table 303.4:

This is a new amendment to correlate with the requirements of the Department of Environmental Quality, Division of Drinking Water.

R156-56-803(7) - section 304.3:

This subsection (meter boxes) keeps an existing amendment.

R156-56-803 [prior (10), (11) and (12) deleted]:

These amendments (pipes through footings or foundations, piping protection, and improper connections) are no longer needed as they are adequately covered in the 2009 code.

R156-56-803(8) - section 311.1:

This subsection (toilet facilities for workers) keeps an existing amendment.

R156-56-803(9) - section 312.10:

This subsection (backflow assembly testing) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. The section number has been changed to correspond to renumbering in the 2009 code.

R156-56-803(10) - section 403.1:

This subsection (number of toilet facilities) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Health.

R156-56-803[prior (16) deleted]:

This amendment (gravity discharge clothes washers) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(11) - section 406.4:

This subsection (automatic clothes washer safe pans) modifies and keeps an existing amendment with renumbering to correlate with the numbering in the 2009 code and with technical changes.

R156-56-803[prior (18) deleted]:

This amendment (floor drains) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(12) - section 412.5:

This subsection (public toilet room drains) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Health.

R156-56-803[prior (20) and (21) deleted]:

These amendments (approval - sinks and piping material) are no longer needed as they are adequately covered in the 2009 code.

R156-56-803(13) - section 504.7.2:

This subsection (pan drain termination) modifies and keeps an existing amendment but with technical changes.

R156-56-803(14) - section 504.7.3:

This subsection (water heater pan) keeps an existing amendment.

R156-56-803(15) - section 602.3:

This subsection (water supply) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Natural Resources, Division of Water Rights.

R156-56-803(16) - section 602.3.1 to 602.3.5.1:

This subsection (water sources, quantity, quality, disinfection and pumps) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Natural Resources, Division of Water Rights and the local health department.

R156-56-803(17) - section 604.4.1:

This subsection (metering faucets) makes technical changes and keeps an existing amendment that has been in place to correlate with the requirements of the Department of Health.

R156-56-803(18) - section 606.5:

This subsection (water pressure booster systems) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803(19) - section 606.5.11:

This subsection (booster pumps) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803(20) - Table 608.1:

This subsection (methods of protection) moves provisions from Table 608.1 to 608.1.1 and keeps the existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803(21) - Table 608.1.1:

This subsection (backflow devices) moves provisions from Table 608.1 to 608.1.1 and keeps the existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803[prior (32) deleted]:

This amendment (atmospheric vacuum breaker) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(22) - section 608.6:

This subsection (air gap connection protection) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. The subsection number has been changed to coordinate with numbering in the 2009 code.

R156-56-803(23) - section 608.7:

This subsection (hot water supply system) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803[prior (34) deleted]:

This amendment (labels on non potable water lines) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(24) - section 608.11:

This subsection (painting of water tanks) keeps an existing amendment with technical changes in the wording.

R156-56-803(25) - section 608.13.3:

This subsection (backflow preventer) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. There has been a technical change in the wording.

R156-56-803(26) - section 608.13.4:

This subsection (barometric loop) keeps an existing amendment.

R156-56-803(27) - section 608.13.9:

This subsection (chemical dispenser backflow) keeps an existing amendment.

R156-56-803(28) - section 608.15.3:

This subsection (backflow preventer) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. There has been a technical change in the wording.

R156-56-803(29) - section 608.15.4:

This subsection (protection by a vacuum breaker) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. There has been a technical change in the wording.

R156-56-803(30) - section 608.15.4.2:

This subsection (hose connections) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. There has been a technical change in the wording.

R156-56-803(31) - section 608.16.2:

This subsection (connections to boilers) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality. There has been a technical change in the wording.

R156-56-803(32) - section 608.16.3:

This subsection (heat exchangers) keeps an existing amendment.

R156-56-803(33) - section 608.16.4.1:

This subsection (chemical additives in fire sprinkler systems) keeps an existing amendment.

R156-56-803(34) - section 608.16.7:

This subsection (chemical dispensers) keeps an existing amendment.

R156-56-803(35) - section 608.16.8:

This subsection (portable cleaning equipment) keeps an existing amendment.

R156-56-803[prior (47) deleted]:

This amendment (dental pump equipment) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(36) - section 608.16.11:

This subsection (car washes) keeps an existing amendment.

R156-56-803(37) - section 608.17:

This subsection (protection of water supplies) keeps an existing amendment.

R156-56-803(38) - section 701.2:

This subsection (sewer required) keeps an existing amendment that has been in place to correlate with the requirements of the Department of Environmental Quality.

R156-56-803[prior (51) deleted]

This amendment (open hub waste receptors) is no longer needed as it is adequately covered in the 2009 code.

R156-56-803(39) - section 901.3:

This subsection (chemical waste vent system) keeps an existing amendment.

R156-56-803(40) - section 904.1:

This subsection (roof extensions) keeps an existing amendment with technical changes in the wording.

R156-56-803(41) - section 904.6:

This subsection (vents through a wall) keeps an existing amendment.

R156-56-803(42) - section 905.4:

This subsection (horizontal dry vents) keeps an existing amendment.

R156-56-803(43) - section 917.8:

This subsection (air admittance valves) keeps an existing amendment.

R156-56-803(44) - section 1002.4:

This is a new amendment that is being recommended for approval. This will allow for different methods for maintaining a trap seal.

R156-56-803(45) - section 1104.2:

This subsection (combining storm and sanitary drains) keeps an existing amendment.

R156-56-803(46) - section 1108:

This subsection (combining storm and sanitary drains) keeps an existing amendment.

R156-56-803[prior (59) and (60) deleted]:

These amendments (referenced standards) are no longer needed as they are adequately covered in the 2009 code.

R156-56-803(47) - Chapter 14:

This is a new amendment that is being recommended for approval. It is necessary to add a reference standard that is used in the amendment in subsection (44).

R156-56-803(48) - Chapter 14:

This subsection (referenced standards) keeps an existing amendment with technical changes to the wording.

R156-56-803[prior (62), (63), and (64) deleted]:

These amendments are no longer needed as they have been replaced with a new amendment in subsection (49).

R156-56-803(49) - Appendix C:

This is a new amendment that is being recommended for approval. It will replace the prior amendments (62) to (64). This amendment correlates requirements with Utah Department of Health and the Utah Department of Environmental Quality that allows for gray water recycling systems in commercial and residential areas.

Amendments to the International Mechanical Code:**R156-56-804(1) - section 1101.10**

This is a new amendment recommended to delete a new section of the 2009 code because it was determined to be unnecessary. This new section required locking type caps be placed on certain refrigerant circuit access ports even though they were not required by the manufacturer's specifications.

Amendments to the International Fuel Gas Code:**R156-56-805[prior (1) deleted]:**

This amendment (altitude adjustments to gas appliances) is no longer needed as it is adequately covered in the 2009 code.

R156-56-805(1) - Chapter 4, section 401:

This subsection (meter protection) keeps an existing amendment.

Amendments to the National Electrical Code:**R156-56-806(1):**

This is a new amendment that is being recommended for approval to coordinate provisions of the IRC and the NEC. This amendment is needed to clarify which code is effective when the IRC has not yet incorporated provisions of the latest NEC. This occurs because these codes are updated and published on a different three year cycle.

R156-56-806(2) - section 310.15(B)(6):

R156-56-806(3) - section 338.10(B)(4)(a):

These are new amendments recommended for approval. These changes are needed because the requirement for feeder lines in the 2009 codes was found to be too burdensome and has already been recommended for deletion from the 2012 codes.

Amendments to the International Energy Conservation Code:

R156-56-807(1) - section 504.4:

This subsection (heat traps) keeps an existing amendment that will correlate this subsection with requirements in the IPC.

It should be noted that while the 2009 International Energy Conservation Code is recommended for adoption, it is not recommended to be applicable to one and two family residences under the International Residential Code. The 2009 International Residential Code (IRC) is recommended to be adopted but with deletion of chapter 11 of the 2009 IRC and replaced with chapter 11 of the 2006 IRC. Chapter 11 of the IRC is derived from the International Energy Conservation Code. See IRC amendment in this regard at R156-56-802(20).

Amendments to Installation and Safety requirements for Mobile Homes:

R156-56-808:

This section keeps an existing amendment that provides requirement for when mobile homes built prior to 1976 are relocated, altered, remodeled, or rehabilitated.

Amendments to the International Existing Building Code

R156-56-820(1) - section 101.5:

This subsection (compliance methods) keeps an existing amendment.

R156-56-820[prior (2) deleted]:

This amendment (previous approval) is no longer needed as it is adequately covered in the 2009 code.

R156-56-820(2) - section 202:

This subsection (existing building definition) keeps an existing amendment with technical changes in the wording.

R156-56-820(3) - section 605.1:

This is a new amendment (type B dwelling or sleeping units) making a technical correction to clarify when this exception is applicable.

R156-56-820(4) - section 606.2.1:

This subsection (parapet bracing) keeps an existing amendment with numbering changes to correlate with numbering changes in the 2009 code.

R156-56-820[prior (5) and (6) deleted]:

These amendments (fire escapes and accessibility) are no longer needed as they are adequately covered in the 2009 code.

R156-56-820(5) - section 907.3.1:

This subsection (compliance required with change of occupancy) keeps an existing amendment.

R156-56-820(6) - section 912.7.3:

This subsection (vertical shafts) keeps an existing amendment.

R156-56-820(7) - section 912.8:

This subsection (change of occupancy requirements) keeps an existing amendment.

Local Amendments to the International Building Code

R156-56-901:

This subsection contains local amendments to the IBC that have been requested by the local jurisdictions identified in the subsections, which have been approved by the Uniform Building Code Commission.

Local Amendments to the International Residential Code

R156-56-902:

This subsection contains local amendments to the IRC that have been requested by the local jurisdictions identified in the subsection, which have been approved by the Uniform Building Code Commission.

Local Amendments to the International Plumbing Code

R156-56-903:

This subsection contains local amendments to the IPC that have been requested by the local jurisdiction identified in the subsections, which have been approved by the Uniform Building Code Commission.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between September 02, 2009, 12:00 a.m., and September 15, 2009, 11:59 p.m. are included in this, the October 01, 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 November 2, 2009. The agency may accept comment beyond this date and will indicate 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 hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through January 29, 2010, 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 OF A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** 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; Rule R15-2; and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

**Commerce, Occupational and
Professional Licensing
R156-55a
Utah Construction Trades Licensing Act
Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32974

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Construction Services Commission are proposing amendments to add a new classification of contractor licensure for radon mitigation. S.B. 163 which was passed during the 2009 Legislative Session no longer allows radon mitigation service providers to work without a contractor's license. Amendments are also being proposed to update continuing education requirements for the next renewal cycle to allow the Division to work with Utah Interactive to handle continuing education reporting and approval of courses. (DAR NOTE: S.B. 163 (2009) is found at Chapter 228, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: Section R156-55a-301 clarifies what other classifications can perform radon mitigation and under what circumstances and adds the S354 classification for radon mitigation. Subsections R156-55a-302b(5) and (7) identify the requirements to obtain the S354 radon mitigation classification of licensure. Section R156-55a-303b amends the continuing education rule to allow for reporting of continuing education through Utah Interactive and approval of courses by the Division.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsection 58-1-106(1) (a) and Subsection 58-1-202(1)(a) and Subsection 58-55-102 (35) and Subsection 58-55-308(1) and Subsection 58-55-501 (21)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The addition of the radon mitigation contractor requirements has no effect on the state budget other than republishing the rule. The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. The change to Utah Interactive as the continuing education registry will not affect the state budget and any additional costs of approval of courses will be absorbed in the Division's current budget. Utah Interactive will charge a fee

for their services directly to the licensees and continuing education providers.

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed contractors and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The addition of radon mitigation contractor will not affect small business beyond the costs already anticipated as a result of the enactment of S.B. 163. The change to Utah Interactive as the continuing education registry may result in minor savings to contractor licensees because the fees Utah Interactive will charge is anticipated to be lower than the fees being charged by the current continuing education registries.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The addition of radon mitigation contractor will not affect other persons beyond the costs already anticipated as a result of the enactment of S.B. 163. The change to Utah Interactive as the continuing education registry may result in minor savings to contractor licensees because the fees Utah Interactive will charge are anticipated to be lower than the fees being charged by the current continuing education registries. The Division however is unable to determine exact savings due to the fact that Utah Interactive fees are not presently known at this time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The addition of radon mitigation contractor will not affect persons beyond the costs already anticipated as a result of the enactment of S.B. 163. The change to Utah Interactive as the continuing education registry may result in minor savings to contractor licensees because the fees Utah Interactive will charge are anticipated to be lower than the fees being charged by the current continuing education registries. The Division however is unable to determine exact savings due to the fact that Utah Interactive fees are not presently known at this time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is updated to meet recent statutory changes which require radon mitigation service providers to be licensed contractors. It also allows the Division to designate a continuing education registry and establishes standards for the registry. No fiscal impact to businesses is anticipated beyond those addressed by statutory change. As summarized in the rule filing, there may be some cost savings to licensees due to the designation of a continuing education registry.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S

SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Dan Jones by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 10/28/2009 08:00 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 474 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Mark Steinagel , Director

R156. Commerce, Occupational and Professional Licensing.

R156-55a. Utah Construction Trades Licensing Act Rule.

R156-55a-301. License Classifications - Scope of Practice.

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The construction trades or specialty contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person who is engaged in work which is included in the items listed in Subsections R156-55a-301(4) and (5) is exempt from licensure in accordance with Subsection 58-55-305(1)(i).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

E100 - General Engineering Contractor. A General Engineering contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(19).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(18) and pursuant to Subsection 58-55-102(18)(b) is clarified as follows:

(a) [t]The General Building Contractor scope of practice does not include activities described in this Subsection under specialty classification S202 - Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the North American Board of Certified Energy Practitioners.

(b) The General Building Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP).

B200 - Modular Unit Installation Contractor. Set up or installation of modular units as defined in Subsection 58-56-3(11) and constructed in accordance with Section 58-56-13. The scope of the work permitted under this classification includes construction of the permanent or temporary foundations, placement of the modular

unit on a permanent or temporary foundation, securing the units together if required and securing the modular units to the foundations. Work excluded from this classification includes installation of factory built housing and connection of required utilities.

R100 - Residential and Small Commercial Contractor. A Residential and Small Commercial contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(29) and pursuant to Subsection 58-55-102(29) is clarified as follows:

(a) [t]The Residential and Small Commercial Contractor scope of practice does not include activities described in this Subsection under specialty classification S202 - Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the North American Board of Certified Energy Practitioners.

(b) The Residential and Small Commercial Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP).

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter and enclosure of persons, animals, chattels or movable property of any kind with the restriction that no change is made to the bearing portions of the existing structure, including footings, foundation and weight bearing walls; and the entire project is less than \$50,000 in total cost.

R200 - Factory Built Housing Contractor. Disconnection, setup, installation or removal of manufactured housing on a temporary or permanent basis. The scope of the work permitted under this classification includes placement of the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and connection of the utilities from the near proximity, such as a meter, to the manufactured housing unit and construction of foundations of less than four feet six inches in height. Work excluded from this classification includes site preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling and grading around the foundation, construction of foundations of more than four feet six inches in height and construction of utility services from the utility source to and including the meter or meters if required or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

I101 - General Engineering Trades Instruction Facility. A General Engineering Trades Instruction Facility is a construction trades instruction facility authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(19).

I102 - General Building Trades Instruction Facility. A General Building Trades Instruction Facility is a construction trades instruction facility authorized to teach the construction trades and is subject to the scope of practice defined in Subsections 58-55-102(18) or 58-55-102(29).

I103 - Electrical Trades Instruction Facility. An Electrical Trades Instruction Facility is a construction trades instruction

facility authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(S200).

I104 - Plumbing Trades Instruction Facility. A Plumbing Trades Instruction Facility is a construction trades instruction facility authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(S210).

I105 - Mechanical Trades Instruction Facility. A Mechanical Trades Instruction Facility is a construction trades instruction facility authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).

S200 - General Electrical Contractor. Fabrication, construction, and/or installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus which utilizes electrical energy. The General Electrical Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP).

S201 - Residential Electrical Contractor. Fabrication, construction, and/or installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances and fixtures in any residential unit, normally requiring non-metallic sheathed cable, including multiple units up to and including a four-plex, but excluding any work generally recognized in the industry as commercial or industrial.

S202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and repair of photovoltaic cell panels and related components including battery storage systems, distribution panels, switch gear, electrical wires, inverters, and other electrical apparatus for solar photovoltaic systems. Work excluded from this classification includes work on any alternating current system or system component.

S210 - General Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting, heating, and industrial purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a building out to the main water, sewer or gas pipeline. The General Plumbing Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP).

S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto.

S212 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution system for artificial watering or irrigation.

S213 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work.

S214 - Water Conditioning Equipment Contractor. Fabrication and/or installation of water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.

S215 - Solar Thermal Systems Contractor. Construction, repair and/or installation of solar thermal systems up to the system shut off valve or where the system interfaces with any other plumbing system.

S216 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. Excavation, installation and grading of residential septic tanks and their drainage.

S217 - Residential Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in residential building, including multiple units up to and including a four-plex by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting and heating purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a residential building out to the main water, sewer or gas pipeline. Excluded is any new construction and service work generally recognized in the industry as commercial or industrial.

S220 - Carpentry Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal studs, vinyl materials, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry. Incidental work includes the installation of tub liners and wall systems.

S221 - Cabinet, Millwork and Countertop Installation Contractor. On-site construction and/or installation of milled wood products or countertops.

S222 - Overhead and Garage Door Contractor. The installation of overhead and garage doors and door openers.

S230 - Siding Contractor. Fabrication, construction, and/or installation of siding.

S231 - Raingutter Installation Contractor. On-site fabrication and/or installation of raingutters and drains, roof flashings, gravel stops and metal ridges.

S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, mirrors, substitutes for glass, glass-holding members, frames, hardware, and other incidental related work.

S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control or fireproofing, but shall not include mechanical insulation of pipes, ducts or conduits.

S260 - General Concrete Contractor. Fabrication, construction, mixing, batching, and/or installation of concrete and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, placing and erection of steel bars for reinforcing and application of plaster and other cement-related products.

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring material; but, does not include the placement of concrete, finishing of concrete or embedded items such as metal reinforcement bars or mesh.

S262 - Guniting and Pressure Grouting Contractor. Installation of a concrete product either injected or sprayed under pressure.

S263 - Cementitious Coating Systems Resurfacing and Sealing Contractor. Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.

S270 - General Drywall and Plastering Contractor. Fabrication, construction, and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of drywall or plaster surfaces for suitable painting or finishing. Application to surfaces of coatings made of plaster, including the preparation of the surface and the provision of a base. This does not include applying stucco to lathe, plaster and other surfaces. Exempted is the plastering of foundations.

S272 - Ceiling Grid Systems, Ceiling Tile and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.

S273 - Light-weight Metal and Non-bearing Wall Partitions Contractor. Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.

S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of any thereof which use and custom has established as usable for, or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces; and roof conversion. Incidental work includes the installation of roof clamp ring to the roof drain.

S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works, including the installation of shower pans, as required in construction of the masonry work.

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar. Incidental work includes the installation of shower pans.

S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders. Incidental work includes the installation of shower pans.

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile. Incidental work includes the installation of shower pans.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian, and corian type products. Incidental work includes the installation of shower pans.

S300 - General Painting Contractor. Preparation of surface and/or the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments.

S310 - Excavation and Grading Contractor. Moving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade.

S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.

S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.

S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.

S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.

S330 - Landscaping Contractor.

(a) grading and preparing land for architectural, horticultural, or decorative treatment;

(b) arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation;

(c) construction of small decorative pools, tanks, fountains, hothouses, greenhouses, fences, walks, garden lighting of 50 volts or less, or sprinkler systems;

(d) construction of retaining walls except retaining walls which are intended to hold vehicles, structures, equipment or other non natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other non natural fill materials are located; or

(e) patio areas except that:

(i) no decking designed to support humans or structures shall be included; and

(ii) no concrete work designed to support structures to be placed upon the patio shall be included.

(f) This classification does not include running electrical or gas lines to any appliance.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, gutters, flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating and air conditioning systems, and complete ventilating systems. The HVAC Contractor scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP).

S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees.

S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid.

S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system.

S354 - Radon Mitigation Contractor. Layout, fabrication, and installation of a radon mitigation system. This classification does not include work on heat recovery ventilation or makeup air components which must be performed by an HVAC Contractor and does not include electrical wiring which must be performed by an Electrical Contractor.

S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment including, but not limited to, built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto; but, the scope of permitted work does not include the installation of gas fuel or electric power services other than connection of electrical devices to a junction box provided for that device and electrical control circuitry not exceeding 50 volts.

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed journeyman plumber. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 - Swimming Pool and Spa Contractor. On-site fabrication, construction and installation of swimming pools, prefabricated pools, spas, and tubs.

S390 - Sewer and Waste Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, which will include but will not be limited to, asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. Also included is the excavation, grading, compacting and laying of fill or base-related thereto. Also included in painting on asphalt surfaces including striping, directional and other types of symbols or words.

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes, conduit or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, data or communications. Included are the excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of the system.

S420 - General Fencing, Ornamental Iron and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, handrails, and barriers.

S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMGA certified.

S440 - Sign Installation Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions. Signs and graphic displays shall include signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or his product, building trim or lighting with neon or decorative fixtures, or any other animated, moving or stationary device used for advertising or identification purposes. Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code.

S441 - Non Electrical Outdoor Advertising Sign Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. Signs and graphics shall include outdoor advertising signs which do not have electrical lighting or other electrical requirements, and in accordance with professionally engineered specifications.

S450 - Mechanical Insulation Contractor. Fabrication, application and installation of insulation materials to pipes, ducts and conduits.

S460 - Wrecking and Demolition Contractor. The raising, cribbing, underpinning, moving, and removal of building and structures.

S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.

S480 - Piers and Foundations Contractor. The excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.

S490 - Wood Flooring Contractor. Installation of wood flooring including prefinished and unfinished material, sanding, staining and finishing of new and existing wood flooring.

Underlayments, non-structural subfloors and other incidental related work.

S491 - Laminate Floor Installation Contractor. Installation of laminate floors including underlayments, non-structural subfloors and other incidental related work, but does not include the installation of solid wood flooring.

S500 - Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor. Installation of sports and athletic courts including but not limited to tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes nonstructural floor subsurfaces, nonstructural wall surfaces, perimeter walls and perimeter fencing. Includes the installation and attachment of equipment such as poles, basketball standards or other equipment.

S600 - General Stucco Contractor. Applying stucco to lathe, plaster and other surfaces.

S700 - Specialty License Contractor.

(a) A specialty license is a license that confines the scope of the allowable contracting work to a specialized area of construction which the Division grants on a case-by-case basis.

(b) When applying for a specialty license, an applicant, if requested, shall submit to the Division the following:

(i) a detailed statement of the type and scope of contracting work that the applicant proposes to perform; and

(ii) any brochures, catalogs, photographs, diagrams, or other material to further clarify the scope of the work that the applicant proposes to perform.

(c) A contractor issued a specialty license shall confine the contractor's activities to the field and scope of operations as outlined by the Division.

(3)(a) Any person holding a S215 Solar Systems Contractor license before the effective date of this rule may obtain a S202 Solar Photovoltaic Contractor license by submitting an affidavit demonstrating two years of experience that meets the requirements of R156-55a-302b no later than March 31, 2010.

(b) Any person holding a S271 Plastering and Stucco Contractor license before the effective date of this rule shall be issued a S270 General Drywall and Plastering Contractor license.

(c) Any person holding a S274 Drywall Contractor license before the effective date of this rule shall be issued a S270 General Drywall and Plastering Contractor license.

(d) Any person holding a S271 Plastering and Stucco Contractor license or an S270 General Drywall, Stucco and Plastering Contractor license before the effective date of this rule may obtain a S600 General Stucco Contractor license by submitting an affidavit demonstrating two years of experience that meets the requirements of R156-55a-302b no later than March 31, 2010.

(e) Any person holding any of the following licenses before the effective date of this rule shall be issued a S280 General Roofing Contractor license:

(i) S281 Single Ply and Specialty Coating Contractor;

(ii) S282 Build-up Roofing Contractor;

(iii) S283 Shingle and Shake Roofing Contractor;

(iv) S284 Tile Roofing Contractor; and

(v) S285 Metal Roofing Contractor.

(4) The following activities are determined to not significantly impact the public health, safety and welfare and therefore do not require a contractors license:

(a) sandblasting;

(b) pumping services;

(c) tree stump or tree removal;

(d) installation within a building of communication cables including phone and cable television;

(e) installation of low voltage electrical as described in R156-55b-102(1);

(f) construction of utility sheds, gazebos or other similar items which are personal property and not attached;

(g) building and window washing, including power washing;

(h) central vacuum systems installation;

(i) concrete cutting;

(j) interior decorating;

(k) wall paper hanging;

(l) drapery and blind installation;

(m) welding on personal property which is not attached;

(n) chimney sweepers other than repairing masonry;

(o) carpet and vinyl floor installation; and

(p) artificial turf installation.

(5) The following activities are those determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies and therefore do not require a contractors license:

(a) lead removal regulated by the Department of Environmental Quality;

(b) asbestos removal regulated by the Department of Environmental Quality;

(c) elevator installation and maintenance regulated by the Labor Commission; and

(d) fire alarm installation regulated by the Fire Marshal.

R156-55a-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirements are established as follows:

(1) Requirements for all license classifications:

(a) All experience shall be directly supervised by the applicant's employer.

(b) All experience shall be directly related to the scope of practice set forth in Section R156-55a-301 of the classification the applicant is applying for, as determined by the Division.

(c) One year of work experience means 2000 hours.

(d) No more than 2000 hours of experience during any 12 month period may be claimed.

(e) Except as described in ~~[paragraph]~~ Subsection (2)(c), experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractors license.

(2) Requirements for E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building license classifications:

(a) In addition to the requirements of paragraph (1), an applicant for an R100, B100 or E100 license shall have within the past 10 years a minimum of four years experience as an employee of a contractor licensed in the license classification applied for, or the substantial equivalent of a contractor licensed in that license classification as determined by the Division.

(b) Two of the required four years of experience shall be in a supervisory or managerial position.

(c) A person holding a four year bachelors degree or a two year associates degree in Construction Management may have one year of experience credited towards the supervisory or managerial experience requirement.

(d) A person holding a Utah professional engineer license may be credited with satisfying one year toward the supervisory or managerial experience required for E100 contractor license.

(3) Requirements for S220 Carpentry, S280 General Roofing, S290 General Masonry, S320 Steel Erection, S350 Heating Ventilating and Air Conditioning, S360 Refrigeration and S370 Fire Suppression Systems license classifications:

In addition to the requirements of paragraph (1), an applicant shall have within the past 10 years a minimum of four years of experience as an employee of a contractor licensed in the license classification applied for, or the substantial equivalent of a contractor licensed in that license classification as determined by the Division.

(4) Requirements for I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, I104 Plumbing Trades Instruction Facility, I105 Mechanical Trades Instruction Facility license classifications:

An applicant for construction trades instruction facility license shall have the same experience that is required for the license classifications for the construction trade they will instruct.

(5) Requirements for other license classifications:

Except as set forth in ~~paragraph~~ Subsections (6) and (7), in addition to the requirements of paragraph (1), an applicant for contractor license classification not listed above shall have within the past 10 years a minimum of two years of experience as an employee of a contractor licensed in the license classification applied for, or the substantial equivalent of a contractor licensed in that license classification as determined by the Division.

(6) Requirements for S202 Solar Photovoltaic Contractor. In addition to the requirements of ~~paragraphs~~ Subsections (1) and (5), an applicant shall hold a current certificate by the North American Board of Certified Energy Practitioners.

(7) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsections (1) and (5), an applicant shall hold a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP). Experience completed prior to the effective date of this rule does not need to be performed under the supervision of a licensed contractor. Experience completed after the effective date of this rule must be performed under the supervision of a licensed contractor who has authority to practice radon mitigation.

R156-55a-303a. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 55 is established by rule in Section R156-1-308a(1).

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

(3) In accordance with Subsections 58-55-501(21) and 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee, or the licensee's

qualifier, or an officer, director or supervising individual, as designated by the licensee, shall comply with the continuing education requirements set forth in Section R156-55a-303b.

R156-55a-303b. Continuing Education - Standards.

(1) Required Hours. Pursuant to Subsection 58-55-501(21), each licensee shall complete a total of six hours of continuing education during each two year license term except that for the renewal term ending November 30, 2009, the continuing education must be completed between July 1, 2007 and November 30, 2009. A minimum of three hours shall be core education. The remaining three hours are to be professional education. Additional core education hours beyond the required amount may be substituted for professional education hours.

(a) "Core continuing education" is defined as construction codes, construction laws, OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to the construction trades and employee verification and payment practices.

(b) "Professional continuing education" is defined as substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, energy conservation, professional development, arbitration practices, estimating, finance and bookkeeping, marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(c) The following course subject matter is not acceptable as core education or professional education hours: mechanical office and business skills, such as typing, speed reading, memory improvement and report writing; physical well-being or personal development, such as personal motivation, stress management, time management, dress for success, or similar subjects; presentations by a supplier or a supplier representative to promote a particular product or line of products; and meetings held in conjunction with the general business of the licensee or employer.

(d) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each hour of continuing education course credit shall consist of 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes is to allow for breaks.

(b) Provider. The course provider shall meet the requirements of this Section and shall be one of the following:

(i) a recognized accredited college or university;

(ii) a state or federal agency;

(iii) a professional association or organization involved in the construction trades; or

(iv) a commercial continuing education provider providing a program related to the construction trades.

(c) Content. The content of the course shall be relevant to the practice of the construction trades and consistent with the laws and rules of this state.

(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.

(e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) Distance learning. A course may be recognized for continuing education that is provided via Internet or through home study courses provided the course verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material presented.

(h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide individuals completing the course a certificate which contains the following information:

- (i) the date of the course;
- (ii) the name of the course provider;
- (iii) the name of the instructor;
- (iv) the course title;
- (v) the hours of continuing education credit and type of credit (core or professional);
- (vi) the attendee's name; and
- (v) the signature of the course provider.

(3) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.

(4) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (8).

(5) Licensees who lecture in continuing education courses meeting these requirements shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.

(6) The continuing education requirement for electricians as established in Section R156-55b-304, which is completed by an electrical contractor, shall satisfy the continuing education requirement for contractors as established in Subsection 58-55-501(21) and implemented herein. The contractor licensee shall assure that the course provider has submitted the verification of the electrician's attendance on behalf of the licensee to the continuing education registry as specified in Subsection (8).

(7) Licensees who obtain an initial license after March 31st of the renewal year shall not be required to meet the continuing education requirement for that renewal cycle.

(8) ~~[A continuing education registry qualified under Subsection R156-55a-303b(9) may approve continuing education programs sponsored by or submitted to the continuing education registry for approval under this rule.]~~ A course provider shall submit continuing education courses for approval to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry.

(9) The Division shall review continuing education courses which have been submitted through the continuing

education registry and approve only those courses which meet the standards set forth under this Section.

~~(9)10~~ Continuing Education Registry. ~~[To obtain approval as a continuing education registry, an organization shall:~~

- ~~(a) be a professional association whose membership primarily consists of licensed contractors;~~
- ~~(b) be organized and in good standing according to the laws of the state;~~
- ~~(c) enter into a written agreement with the Division under which the organization agrees to:]~~

(a) The Division shall designate an entity to act as the Continuing Education Registry under this rule.

(b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:

- (i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for[
- ~~(i)] review and [approve]approval of only those programs which meet the standards set forth under this Section;~~
- (ii) publish [and disseminate to their members or other contractors on request,]on their website listings of continuing education programs which [they]have been approved by the Division, and which meet the standards for continuing education credit under this rule;
- (iii) maintain accurate records of qualified continuing education approved[and provide a list of such continuing education programs to the Division];
- (iv) maintain accurate records of verification of attendance and completion, by individual licensee, which the licensee may review for compliance with this rule; and
- (i)v make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

~~(d)c~~ Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

(i)v make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

~~(d)c~~ Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

~~(d)c~~ Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

KEY: contractors, occupational licensing, licensing
Date of Enactment or Last Substantive Amendment: [May 11, 2009]

Notice of Continuation: November 8, 2006
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1); 58-55-102(35); 58-55-501(21)

**Commerce, Occupational and
 Professional Licensing
 R156-60b
 Marriage and Family Therapist
 Licensing Act Rule**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 32973
FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Marriage and Family Therapist Licensing Board reviewed this rule and determined that changes need to be made.

SUMMARY OF THE RULE OR CHANGE: Throughout the rule the term "Division" has been capitalized where applicable. Also statutory and rule citations have been updated throughout the rule. In Section R156-60b-302a, the proposed amendments delete the reference to 07/01/2002 as this date has passed and it is no longer applicable, make stylistic changes and clarify the clinical practicum course requirement by adding the terms "direct contact" and "face to face". Subsection R156-60b-302a(2) is being deleted as it is no longer applicable. In Subsection R156-60b-302d(3), the proposed amendment deletes the reference to 01/01/2009 as this date has passed and it is no longer applicable. Subsection R156-60b-302d(4) is being added to clarify how supervisor requirements in Subsection R156-60b-302d(3) should be enforced. This proposed addition allows for the possibility of applicants gathering hours under requirements in place prior to 12/31/2008 to get credit for their hours if they apply for a license prior to 01/01/2010. Throughout Section R156-60b-304, the terms "qualified professional education" and "professional education" have been changed to "continuing education" and other stylistic changes have been made throughout this section. In Subsection R156-60b-304 (2), the proposed amendment replaces September 30 with October 1 because the renewal period actually begins on October 1. The proposed amendment also adds the continuing education requirement of completing at least six hours in ethics/law, of which at least three hours must be directly related to marriage and family therapy. This proposed additional requirement will help therapists be more aware of the laws and ethics that apply to their professional practice. In Subsection R156-60b-304(5), the proposed amendments clarify what entities may approve, sponsor, or conduct continuing education. The proposed amendments also limit the number of clinical readings, internet, or distance learning courses to a maximum of ten hours and adds the Division of Occupational and Professional Licensing as an approved provider for continuing education.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-301 and Subsection 58-1-106(1) (a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

♦ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. As a result, the proposed amendments do not apply to local governments.

♦ **SMALL BUSINESSES:** The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** As a result of the proposed amendment requiring completion of six hours of continuing education in law/ethics, licensed marriage and family therapists may see either a minimal increase or possible decrease in continuing education costs as courses on this subject may cost more or less than current courses. The Division is unable to determine any exact amount of an increase or decrease in costs to obtain the law/ethics continuing education hours. As a result of the proposed amendment which adds the Division of Occupational and Professional Licensing as an approved continuing education provider, licensees will have an additional option with respect to obtaining continuing education hours. Licensed marriage and family therapists may see minimal savings in continuing education costs as a result of the Division now providing continuing education training for the profession up to a maximum of two hours in each two year period. However, any exact amount of savings is unable to be determined.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As a result of the proposed amendment requiring completion of six hours of continuing education in law/ethics, licensed marriage and family therapists may see either a minimal increase or possible decrease in continuing education costs as courses on this subject may cost more or less than current courses. The Division is unable to determine any exact amount of an increase or decrease in costs to obtain the law/ethics continuing education hours. As a result of the proposed amendment which adds the Division of Occupational and Professional Licensing as an approved continuing education provider, licensees will have an additional option with respect to obtaining continuing education hours. Licensed marriage and family therapists may see minimal savings in continuing education costs as a result of the Division now providing continuing education training for the profession up to a maximum of two hours in each two year period. However, any exact amount of savings is unable to be determined.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing removes outdated provisions, changes the continuing education reporting period to become consistent with license renewal dates, includes the Division as a provider of continuing education, requires six hours of such education to be in ethics and makes other technical amendments. No fiscal impact to businesses is anticipated from these changes beyond those addressed in the rule filing.

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 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 NO LATER THAN AT 5:00 PM ON 11/02/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
 ♦ 10/14/2009 09:00 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 210 (second floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Mark Steinagel , Director

R156. Commerce, Occupational and Professional Licensing.
R156-60b. Marriage and Family Therapist Licensing Act Rule.
R156-60b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

- (1) "AAMFT" means the American Association for Marriage and Family Therapy.
- (2) "Face to face supervision" as described in Subsection R156-60b-302a(1)(b)(vii) includes both individual and group supervision.
- (3) "Group supervision" means supervision between the supervisor and no more than three supervisees, unless preapproved by the Board.
- (4) "Individual supervision" means supervision between the supervisor and one or two supervisees in accordance with standards set forth in Subsection R156-60b-302b(1)(d).
- (5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203(5)(1)(e), in Section R156-60b-502.

R156-60b-103. Authority - Purpose.

This rule is adopted by the [d]Division under the authority of Subsection 58-1-106(1)(a) to enable the [d]Division to administer Title 58, Chapter 60, Part 3.

R156-60b-302a. Qualifications for Licensure - Education Requirements.

(1) Pursuant to Subsection 58-60-305(1)(d), an applicant applying for licensure as a marriage and family therapist [after July 1, 2002] shall:

(a) produce certified transcripts evidencing completion of a master's or doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy at the time the applicant obtained the education; or

(b)(i) produce certified transcripts evidencing completion of a master's degree in marriage and family therapy from a program accredited by a professional accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education at the time the applicant obtained the education. [~~which includes courses in the following areas:~~]

~~(ii) A program under Subsection (1)(b)(i) shall include the following:~~

~~(i)A) six semester hours/nine quarter hours of course work in theoretical foundations of marital and family therapy;~~

~~(ii)B) nine semester hours/12 quarter hours of course work in assessment and treatment in marriage and family therapy, including Diagnostic Statistical Manual (DSM);~~

~~(iii)C) six semester hours/nine quarter hours of course work in human development and family studies which include ethnic minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;~~

~~(iv)D) three semester hours/four and one-half quarter hours in professional ethics;~~

~~(v)E) three semester hours/four and one-half quarter hours in research methodology and data analysis;~~

~~(vi)F) three semester hours/four and one-half quarter hours in electives in marriage and family therapy; and~~

~~(vii)G) a clinical practicum of not [less]fewer than 600 hours which includes not [less]fewer than 100 hours of face to face supervision and not [less]fewer than 500 direct contact hours of face to face supervised clinical practice of which not less than 250 hours shall be with couples or families who are physically present in the therapy room.~~

~~(2) Pursuant to Subsection 58-60-305.5(2), an applicant applying for licensure as a marriage and family therapist before July 1, 2002 shall meet the following requirements:~~

~~(a) produce certified transcripts evidencing completion of a master's or doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy; or~~

~~(b) produce certified transcripts evidencing an earned doctorate or master's degree in a field of education emphasizing human behavioral studies and skill in therapy or counseling which shall:~~

~~(i) be from an institution which is accredited by a professional accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education at the time the applicant obtained the education; and~~

~~(ii) include successful completion of the following graduate level course work and a clinical practicum:~~

~~(A) six semester hours/nine quarter hours of course work in theoretical foundations of marital and family therapy;~~

~~(B) nine semester hours/12 quarter hours of course work in assessment and treatment in marriage and family therapy, including DSM;~~

~~(C) six semester hours/nine quarter hours of course work in human development and family studies which include ethnic~~

~~minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;~~

~~(D) three semester hours/four and one-half quarter hours in professional ethics;~~

~~(E) three semester hours/four and one-half quarter hours in research methodology and data analysis;~~

~~(F) three semester hours/four and one-half quarter hours in electives in marriage and family therapy; and~~

~~(G) a clinical practicum of not less than 600 hours which includes not less than 100 hours of face to face supervision and not less than 500 hours of supervised clinical practice of which not less than 250 hours shall be with couples or families who are physically present in the therapy room; or~~

~~(e) produce certified transcripts evidencing an earned doctorate or master's degree in a field of religious study with a documented emphasis in marriage and family therapy and which meets the requirements set forth under Subsections (2)(b)(ii)(A) through (G).]~~

R156-60b-302d. Qualifications to be a Marriage and Family Therapist Training Supervisor.

Pursuant to the provisions of Subsection 58-60-307(1), to be qualified as a marriage and family therapist supervisor for training required under Subsections 58-60-305(1)(e) and (f), an individual shall:

(1) be licensed as a marriage and family therapist in good standing for not less than two years;

(2) be currently licensed as a marriage and family therapist in the state in which the training is being performed; and

(3) ~~[on or after January 1, 2009,]~~ meet one of the following three options:

(a) be currently approved by AAMFT as a marriage and family therapist supervisor;

(b) have successfully completed a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family therapy (MFT) program at an accredited university; or

(c)(i) have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family ~~[Therapists]Therapy (UAMFT),~~ ~~[as follows:]~~

~~(ii) The instruction under Subsection (3)(c)(i) shall include the following:~~

~~(A) four hours of review of models of MFT and supervision;~~

~~(B) eight hours of MFT supervision processes and practice;~~

~~(C) four hours of research on effective outcomes and processes of supervision; and~~

~~(D) four hours of AAMFT Code of Ethics, state rules and case studies related to MFT supervision.~~

~~(4) Subsection (3) shall not apply to hours of supervised training completed on or before December 31, 2008 for applicants who submit their applications before January 1, 2010.~~

R156-60b-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 60, is established by rule in Section R156-1-308a(1).

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

R156-60b-304. Continuing Education.

(1) In accordance with Section 58-60-105, there is hereby established a continuing ~~[professional]~~ education requirement for all individuals licensed under Title 58, Chapter 60, Part 3, as a marriage and family therapist.

(2) During each two year period commencing ~~[September 30th]~~October 1st of each even numbered year, a marriage and family therapist shall be required to complete not ~~[less]~~fewer than 40 hours of ~~[qualified professional]~~continuing education directly related to the licensee's professional practice of which:

~~(a) [with]~~ at least 15 hours ~~[thereof being]~~must be directly related to marriage and family therapy; and

~~(b) at least six hours must be in ethics/law, of which at least three hours must be directly related to marriage and family therapy.~~

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

(4) ~~[Qualified professional]~~Continuing education under this section shall:

(a) ~~[have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a mental health therapist;~~

~~(b) be relevant to the licensee's professional practice;]~~

~~(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;]~~

~~(d)~~b be prepared and presented by individuals who are qualified by education, training, and experience to provide continuing education relevant to the practice of a mental health therapist; and

~~(e)~~c have ~~[associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review]~~a method of verification of attendance and completion.

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

(a) unlimited hours shall be recognized for ~~[professional]~~continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences which meet the criteria listed in Subsection (4) above, and which are approved by, conducted by, or under the sponsorship of universities, colleges or professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of mental health therapy;

(b) a maximum of 14 hours per two year period may be recognized for:~~[teaching in a college or university, teaching qualified continuing professional education courses in the field of mental health therapy, or supervision of an individual completing his experience requirement for licensure in a mental health therapist license classification;]~~

(i) teaching courses under Subsection (5)(a); or
(ii) supervision of an individual completing the
experience requirement for licensure as a mental health therapist;

(c) a maximum of ~~six~~ten hours per two year period may be recognized for clinical readings, internet or distance learning courses directly related to practice as a mental health therapist; and

(d) a maximum of two hours per two year period may be
for continuing education from the Division of Occupational and
Professional Licensing.

(6) A licensee shall be responsible for maintaining competent records of completed ~~[qualified professional]~~continuing education for a period of four years~~[after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate it meets the requirements under this section].~~

(7) A licensee requesting a waiver of the continuing
education requirement must comply with requirements as
established by rule in R156-1-308d~~[who documents he is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years; however, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met].~~

KEY: licensing, therapists, marriage and family therapist
Date of Enactment or Last Substantive Amendment:
~~[December 24, 2007]~~2009
Notice of Continuation: August 31, 2009
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)
(a); 58-1-202(1)(a); 58-60-301

Commerce, Real Estate
R162-150
Appraisal Management Companies

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 32956
FILED: 09/10/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Four changes are proposed. The first two clarify the language in Section R162-150-2 but do not add to or change the substance of the rule. The third clarifies and expands an existing example of unprofessional conduct. The fourth adds a new example of unprofessional conduct.

SUMMARY OF THE RULE OR CHANGE: The first change clarifies that, for AMC (appraisal management company)

registration, AMC employees who select appraisers for an AMC must have "taken and passed" the 15-hour Uniform Standards of Professional Appraisal Practice (USPAP) course, not "received" it. The second clarifies that, for AMC renewal, these employees must have "completed" the 7-hour USPAP course, not "received" it. The third change prohibits an AMC from making its fee contingent on a favorable outcome. The final change prohibits an AMC from requesting, for the purpose of a mortgage loan transaction, any estimation of price or value that does not qualify as an appraisal.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2e-102 and Section 61-2e-103 and Section 61-2e-304 and Section 61-2e-305

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: In clarifying the language of the rule and expanding examples of unprofessional conduct, these changes will have no effect on the state budget.
- ◆ LOCAL GOVERNMENTS: In clarifying the language of the rule and expanding examples of unprofessional conduct, these changes will have no financial effects for local governments.
- ◆ SMALL BUSINESSES: In clarifying the language of the rule and expanding examples of unprofessional conduct, these changes will have no financial effects for small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: In clarifying the language of the rule and expanding examples of unprofessional conduct, these changes will have no financial effects for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply with the employee qualifications section, affected persons must take and pay for certain USPAP courses. These costs were imposed when the rule was originally promulgated; the change in language imposes no new compliance costs. To comply with the unprofessional conduct section, affected persons must refrain from the prohibited behavior as specified. There are no associated compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing clarifies existing provisions and establishes an additional unprofessional conduct standard. No fiscal impact to businesses is anticipated beyond those addressed in the rule filing.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
REAL ESTATE
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:
 ♦ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.

R162-150. Appraisal Management Companies.

R162-150-2. Employee Qualifications.

(1) An appraisal management company seeking registration shall demonstrate to the Division that each person who selects an appraiser or reviews an appraiser's work for the appraisal management company:

- (a) is a licensed or certified appraiser in good standing; or
- (b) has ~~[received, or will receive]~~ taken and passed, within 6 months after initial registration, the 15 hour national Uniform Standards of Professional Appraisal Practice (USPAP) course.

(2) An appraisal management company seeking renewal of the company's registration shall demonstrate to the Division that each person who selects an appraiser or reviews an appraiser's work for the appraisal management company:

- (a) is a licensed or certified appraiser in good standing; or
- (b) has ~~[received]~~ completed the seven hour national USPAP update course.

R162-150-3. Unprofessional Conduct.

(1) An appraisal management company commits unprofessional conduct if the appraisal management company:

- (a) fails to disclose to the appraiser:
 - (i) the total compensation paid to the appraiser who performs the real estate appraisal activity, disclosed as a dollar amount; and
 - (ii) the total compensation retained by the appraisal management company in connection with the real estate appraisal activity, disclosed as a dollar amount;
- (b) fails to require the appraiser to disclose in the body of the appraisal report:
 - (i) the total compensation paid to the appraiser who performs the real estate appraisal activity, disclosed as a dollar amount; and
 - (ii) the total compensation retained by the appraisal management company in connection with the real estate appraisal activity, disclosed as a dollar amount;
- (c) requires an appraiser to modify any aspect of the appraisal report unless the modification complies with Utah Code Ann. Section 61-2e-307;
- (d) requires an appraiser to prepare an appraisal report if the appraiser, in the appraiser's own professional judgment, believes the appraiser does not have the necessary expertise for the specific geographic area;
- (e) requires an appraiser to prepare an appraisal report under a time frame that the appraiser, in the appraiser's own

professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations;
 (f) prohibits or inhibits communication between the appraiser and:

- (i) the lender;
- (ii) a real estate licensee; or
- (iii) any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(g) requires the appraiser to do anything that does not comply with:

- (i) USPAP; or
- (ii) any assignment conditions and certifications required by the client; ~~[or]~~

(h) makes any portion of the appraiser's fee or the appraisal management company's fee contingent on a favorable outcome, including but not limited to:

- (i) a loan closing; or
- (ii) a specific dollar amount being achieved by the appraiser in the appraisal report~~[-]; or~~
 - ~~(i) requests, for the purpose of facilitating a mortgage loan transaction,~~
 - ~~(i) a broker price opinion; or~~
 - ~~(ii) any other real property price or value estimation that does not qualify as an appraisal.~~

(2) An appraisal management company commits unprofessional conduct and creates a violation by the appraiser of R162-107.1.6 if the appraisal management company requires the appraiser to:

- (a) accept full payment; and
- (b) remit a portion of the full payment back to the appraisal management company.

KEY: appraisal management company regulations
Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 61-2e-102; 61-2e-103; 61-2e-304; 61-2e-305

Community and Culture, Arts and
 Museums
R207-3
 Capital Funds Request Prioritization

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32949

FILED: 09/03/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the

procedure of prioritization of annual capital facilities requests by the Utah Arts Council Board of Directors and the Office of Museum Services Advisory Board.

SUMMARY OF THE RULE OR CHANGE: This rule establishes submission requirements and review criteria related to applications for prioritization of requests for state financial assistance for capital facility projects. Prioritization is not a guarantee of funding.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-6-205 and Section 9-6-605

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Anticipated costs to the state budget include staff review of grant applications, copies of documentation for board review and costs associated with regular board meetings. As this is the first year of the program, the Division of Arts and Museums has no data upon which to base an estimate of how many applications will be received and reviewed. It is anticipated each application will require about two hours of staff time for processing, review, and analysis.

◆ **LOCAL GOVERNMENTS:** If a local government is an applicant, it will incur costs associated with the application process. Gathering necessary information and entering that information in the online grant application form will require staff or volunteer time. However, as this is the first year of the process, the Division of Arts and Museums has no data upon which to base an estimate of how much local government staff time will be required to complete an application. Applicants will likely already have the information required on the application and will copy such information into the division form.

◆ **SMALL BUSINESSES:** If a small business is an applicant, it will incur costs associated with the application process. Gathering necessary information and entering that information in the online grant application form will require staff or volunteer time. However, as this is the first year of the process, the Division of Arts and Museums has no data upon which to base an estimate of how much staff time will be required to complete an application. Applicants will likely already have the information required on the application and will copy such information into the division form.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** If a non-profit or community organization is an applicant, it will incur costs associated with the application process. Gathering necessary information and entering that information in the online grant application form will require staff or volunteer time. However, as this is the first year of the process, the Division of Arts and Museums has no data upon which to base an estimate of how much staff time will be required to complete an application. Applicants will likely already have the information required on the application and will copy such information into the division form.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Gathering necessary information and entering that

information in the online grant application form will require time on the part of affected persons. However, as this is the first year of the process, the Division of Arts and Museums has no data upon which to base an estimate of how many applications will be completed by eligible applicants. Applicants will likely already have the information required on the application and will copy such information into the division form.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While it is not anticipated businesses will apply for capital facility assistance request prioritization, the only time they will incur a cost is if they apply and have related staff time spent on the application. As this is the first year of the process, the department has no data upon which to base an estimate of how much staff time will be required to complete an application.

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

COMMUNITY AND CULTURE
ARTS AND MUSEUMS
617 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102-1177

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Lynnette Hiskey by phone at 801-236-7552, by FAX at 801-236-7556, or by Internet E-mail at lhiskey@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Palmer DePaulis, Executive Director

R207. Community and Culture, Arts and Museums.

R207-3. Capital Funds Request Prioritization.

R207-3-1. Purpose.

The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the Utah Arts Council Board of Directors and the Office of Museum Services Advisory Board in the Division of Arts and Museums within the Department of Community and Culture.

R207-3-2. Authority.

The division may make, amend, or repeal rules for the conduct of its business in governing the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R207-3-3. Application Submission and Review.

The Board of the Utah Arts Council and the Advisory Board of the Office of Museum Services shall accept applications for capital facilities grant prioritization through June 1 of each year.

All applications must be submitted electronically via the Department of Community and Culture (DCC) and its division web portals. Before July 1, Division staff will be allowed to re-direct applications if it is determined the applicant would be better served in another DCC board reviewed the request. Applicants will be notified within five working days by the division if the division redirects the application to another division. Incomplete applications will not be considered by the board. By definition, capital facilities grants shall include new construction, preservation, restoration, and renovation.

Prioritization will be based on the following criteria:

- (1) Goals of application
- (2) Public benefit of project
- (3) Strategic value of partnerships

The Board shall submit its final prioritized list to DCC Administration at least three working days prior to September 30 of each year. Each board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of the total grant amount requested and the basis for prioritization of requested grants on the list.

DCC Administration will submit the Board's prioritized lists to the DCC-assigned budget analyst in the Governor's Office of Planning and Budget and the DCC-assigned analyst in the Legislative Fiscal Analyst's Office by September 30 of each year. The Governor's Office of Planning and Budget will forward the prioritized lists to the Governor. The Legislative Fiscal Analyst's Office will forward the prioritized lists to the appropriate members of the Legislature's Appropriations Subcommittee and leadership.

KEY: grant applications, grants, capital facilities, grant prioritizations

Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: 9-6-205; 9-6-605

Community and Culture, History **R212-13** Capital Funds Request Prioritization

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32939

FILED: 09/02/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the Board of State History, in the Division of State History, within the Department of Community and Culture.

SUMMARY OF THE RULE OR CHANGE: This rule establishes submission requirements and review criteria related to applications for prioritization of requests for state financial assistance for capital facility projects. Prioritization is not a guarantee of funding.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-8-203 and Section 9-8-205 and Section 9-8-205

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** Anticipated costs to the state budget include staff review of grant applications, copies of documentation for board review, and costs associated with regular board meetings. As this is the first year of the program, the Division of State History has no data upon which to base an estimate of how many applications will be received and reviewed. It is anticipated each application will require 10 hours of staff time for processing, review, and analysis.

♦ **LOCAL GOVERNMENTS:** If a local government is an applicant, it will incur costs associated with the application process. Gathering necessary information and entering that information in the online grant application form will require staff or volunteer time. However, as this is the first year of the process, the Division of State History has no data upon which to base an estimate of how much local government staff time will be required to complete an application. Applicants will likely already have the information required on the application and will copy such information into the division form.

♦ **SMALL BUSINESSES:** If a small business is an applicant, it will incur costs associated with the application process. Gathering necessary information and entering that information in the online grant application form will require staff or volunteer time. However, as this is the first year of the process, the Division of State History has no data upon which to base an estimate of how much staff time will be required to complete an application. Applicants will likely already have the information required on the application and will copy such information into the division form.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** If a non-profit or community organization is an applicant, it will incur costs associated with the application process. Gathering necessary information and entering that information in the online grant application form will require staff or volunteer time. However, as this is the first year of the process, the Division of State History has no data upon which to base an estimate of how much staff time will be required to complete an application. Applicants will likely already have the information required on the application and will copy such information into the division form.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Gathering necessary information and entering that information in the online grant application form will require time on the part of affected persons. However, as this is the first year of the process, the Division of State History has no data upon which to base an estimate of how many

applications will be completed by eligible applicants. Applicants will likely already have the information required on the application and will copy such information into the division form.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While it is not anticipated businesses will apply for capital facility assistance request prioritization, the only time they will incur a cost is if they apply and have related staff time spent on the application. As this is the first year of the process, the department has no data upon which to base an estimate of how much staff time will be required to complete an application.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HISTORY
 300 RIO GRANDE
 SALT LAKE CITY, UT 84101-1182
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Wilson Martin by phone at 801-533-3552, by FAX at 801-533-3567, or by Internet E-mail at wmartin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Philip Notarianni , Director

R212. Community and Culture, History.
R212-13. Capital Funds Request Prioritization.
R 212-13-1. Purpose.

The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the Board of State History, in the Division of State History, within the Department of Community and Culture.

R212-13-2. Authority.

The division may make, amend, or repeal rules for the conduct of its business in governing the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R212-13-3. Application Submission and Review.

The Board of State History shall accept applications for capital facilities grant prioritization through June 1 of each year.

All applications must be submitted electronically via the Department of Community and Culture (DCC) and its division web portals. Before July 1, Division staff will be allowed to re-direct applications if it is determined the applicant would be better served if another DCC board reviewed the request. Applicants will be notified within five working days by the division if the division redirects the application to another division. Incomplete

applications will not be considered by the board. By definition, capital facilities grants shall include new construction, preservation, restoration, and renovation.

Prioritization will be based on the following criteria:

- (1) Goals of application
- (2) Public benefit of project
- (3) Strategic value of partnerships

The Board shall submit its final prioritized list to DCC Administration at least three working days prior to September 30 of each year. Each board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of the total grant amount requested and the basis for prioritization of requested grants on the list.

DCC Administration will submit the Board's prioritized lists to the DCC-assigned budget analyst in the Governor's Office of Planning and Budget and the DCC-assigned analyst in the Legislative Fiscal Analyst's Office by September 30 of each year. The Governor's Office of Planning and Budget will forward the prioritized lists to the Governor. The Legislative Fiscal Analyst's Office will forward the prioritized lists to the appropriate members of the Legislature's Appropriations Subcommittee and leadership.

KEY: grant applications, grants, capital facilities, grant prioritizations

Date of Enactment or Last Substantive Amendment: 2009

Authorizing, and Implemented or Interpreted Law: 9-8-203; 9-8-205

Community and Culture, Library
R223-3
Capital Funds Request Prioritization

NOTICE OF PROPOSED RULE
 (New Rule)

DAR FILE NO.: 32936
 FILED: 09/02/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the State Library Division within the Department of Community and Culture.

SUMMARY OF THE RULE OR CHANGE: This rule implements the provisions of Section 9-7-205, as amended by H.B. 236 2009 General Session, by establishing submission requirements and review criteria related to applications for capital facilities grants. (DAR NOTE: H.B. 236 (2009) is found at Chapter 62, Laws of Utah 2009, and was effective 05/12/2009.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-7-205

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: State Library Division: potential cost may approximate 100 man-hours = \$3,000
- ◆ LOCAL GOVERNMENTS: Local Library Staff potential cost may approximate 5 man-hours per agency = \$600. Other Agencies: Local legal representative (i.e., city or county attorney) potential cost may approximate 5 man-hours per agency = \$1,250
- ◆ SMALL BUSINESSES: Small Business potential costs may approximate 5 man-hours = \$500
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Only municipal and county libraries may apply to the State Library Division for capital facilities grants. Therefore, this rule does not apply to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since this capital facilities grant applicant program is new, directed impact on participants is difficult to determine. However, tasks required to complete a grant application form include, but are not necessarily limited to: expend time answering questions on the form related to the specific capital project in terms of basic applicant information; project details including plan of work and supplies; labor costs; and funding sources. Total time to complete the application form by just the applicant may approximate 5 man-hours.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The cost of compliance with the new rule is in terms of man-hours of labor for the State Library Division, and local library staff required to review and prepare the documentation for compliance with the rule. Participation in this grant program is voluntary; therefore compliance costs are not mandated by the state statute upon any agency or entity, except the State Library Division, and Department of Community and Culture, thus there is no directed impact on private businesses resulting from this rule.

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

COMMUNITY AND CULTURE
LIBRARYROOM A
250 N 1950 W
SALT LAKE CITY, UT 84116-7901
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Stephen Matthews by phone at 801-715-6722, by FAX at 801-715-6767, or by Internet E-mail at smatthews@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Donna Morris , Director

R223. Community and Culture, Library.

R223-3. Capital Funds Request Prioritization.

R223-3-1. Purpose.

The purpose of this rule is to establish the procedure regarding annual capital grant request prioritization by the State Library in the Division of Utah State Library within the Department of Community and Culture.

R223-3-2. Authority.

The division may make, amend, or repeal rules for the conduct of its business in governing the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R223-3-3. Application Submission and Review.

(1) The Board of the State Library shall accept applications for capital facilities grant prioritization through June 1 of each year.

(2) All applications must be submitted electronically via the Department of Community and Culture (DCC) and its division web portals. Before July 1, Division staff will be allowed to redirect applications if it is determined the applicant would be better served if another DCC board reviewed the request. Applicants will be notified within five working days by the division if the division redirects the application to another division. Incomplete applications will not be considered by the board. By definition, capital facilities grants shall include new construction, preservation, restoration, and renovation.

(3) Prioritization will be based on the following criteria:

- (a) Goals of application
- (b) Public benefit of project
- (c) Strategic value of partnerships

(4) The Board shall submit its final prioritized list to DCC Administration at least three working days prior to September 30 of each year. Each board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of the total grant amount requested and the basis for prioritization of requested grants on the list.

(5) DCC Administration will submit the Board's prioritized lists to the DCC-assigned budget analyst in the Governor's Office of Planning and Budget and the DCC-assigned analyst in the Legislative Fiscal Analyst's Office by September 30 of each year. The Governor's Office of Planning and Budget will forward the prioritized lists to the Governor. The Legislative Fiscal Analyst's Office will forward the prioritized lists to the appropriate members of the Legislature's Appropriations Subcommittee and leadership.

KEY: grant applications, grants, capital facilities, grant prioritizations

Date of Enactment or Last Substantive Amendment: 2009

Authorizing, and Implemented or Interpreted Law: 9-7-205

Education, Administration
R277-470
Charter Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32979

FILED: 09/15/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide changes to definitions, provide language that requires all charter schools be accredited by the Northwest Association of Accredited Schools (NAAS), and require charter schools to be charter schools to be consistent with their charters.

SUMMARY OF THE RULE OR CHANGE: The amended rule changes definitions, removes language on parental involvement, adds language that requires charter schools to be accredited, and provides clarification about time lines.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1a-513 and Subsection 53A-1-401 (3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget for the procedural changes to the rule. Costs associated with accreditation will be incurred by charter schools.

◆ **LOCAL GOVERNMENTS:** There will be a cost to each charter school that is not currently accredited in the amount of a \$100 registration fee, plus a yearly fee of \$350 for each elementary charter school, \$450 for each secondary charter school, and \$0.17 per student paid to NAAS as a result of this new requirement. Approximately 20 charter schools are currently not accredited. There are no anticipated costs or savings associated with other procedural changes in the rule.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. The change related to public charter schools and not to businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The changes are procedural and relate to charter schools and do not require anything of individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Charter schools not currently accredited will need to become accredited. There will be a cost to each charter school that is not currently accredited in the amount of \$100 registration fee, plus a yearly fee of \$350 for each elementary charter

school, \$450 for each secondary charter school, and \$0.17 per student paid to NAAS as a result of this new requirement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-470. Charter Schools.

R277-470-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Charter schools" means schools acknowledged as charter schools by local boards of education under Section 53A-1a-515 and this rule or by the Board under Section 53A-1a-505.

C. "Charter school application" means the official chartering document by which a prospective charter school seeks recognition and funding under Section 53A-1a-505. The application includes the basic elements of the charter to be established between the charter school and the chartering board.

D. "Charter school deficiencies" means the following information:

(1) a charter school is not satisfying financial obligations as required by Section 53A-1a-505 in the charter school's written contractual agreement;

(2) a charter school is not providing required documentation following reasonable warning;

(3) compelling evidence of fraud or misuse of funds by charter school governing board members or employees.

E. "Charter school founding member" or "founding member" means an individual who had a significant role in the initial development of the charter school up until the first instructional day of school, the first year of operation, as submitted in writing to the State Charter School Board the first day of operation.

F. "Charter school governing board" means the board designated by the charter school to make decisions for the operation of the school similar to a local board of education.

G. "Days" means calendar days, unless specifically designated.

H. "Expansion" means a proposed ten percent increase of students or grade level(s) in an operating charter school at a single location.

I. "Local education agency (LEA)" means a local board of education, combination of school districts, other legally constituted local school authority having administrative control and direction of free public education within the state, or other entities as designated by the Board, and includes any entity with state-wide responsibility for directly operating and maintaining facilities for providing public education.

J. "Northwest Association of Accredited Schools (NAAS) accreditation" means the formal process for evaluation and approval under the Standards for Accreditation of the Northwest Association of Accredited Schools or the accreditation standards of the Board, available from the Utah State Office of Education Accreditation Specialist. Accreditation ensures that the credits/diploma a student earns is the result of a quality educational experience. The purpose of accreditation is to ensure excellence in education by holding schools accountable to rigorous standards and a process of continued improvement.

K. "Neighborhood or traditional school" for purposes of this rule, means a public, non-charter school.

L. "New charter school" as provided in Section 53A-21-401(5)(d) means any charter school through the first day of its second year with students, or a satellite school that requires a new location/campus.

M. "No Child Left Behind (NCLB)" means the federal law under the Elementary and Secondary Education Act, Title IX, Part A, 20 U.S.C. 7801.

N. "On-going funds" means funds that are appropriated annually by the Legislature with the expectation that the funds shall continue to be appropriated annually.

O. "Satellite school" means a charter school affiliated with an operating charter school having a common governing board and a similar program of instruction, but located at a different site or in a different geographical area. The parent school and all satellites shall be considered a single local education agency (LEA) for purposes of public school funding and reporting.

P. "State Charter School Board" means the board designated in Section 53A-1a-501.5.

Q. "Subaccount" means the Charter School Building Subaccount consisting of funds provided under 53A-21-401(5)(b).

R. "Subaccount Committee" means the committee established by the Superintendent under Section 53A-21-401(6).

S. "Superintendent" means the State Superintendent of Public Instruction as designated under 53A-1-301.

T. "Urgent facility need" as provided in Section 53A-21-401(5)(d) means an unexpected exigency that affects the health and safety of students such as:

(1) to satisfy an unforeseen condition that precludes a school's qualification for an occupancy permit; or

(2) to address an unforeseen circumstance that keeps the school from satisfying provisions of public safety, public health or public school code.

U. "USOE" means the Utah State Office of Education.

V. "Weighted Pupil Unit (WPU)" means the unit of measure that is computed in accordance with the Minimum School Program Act for the purpose of distributing revenue on a uniform basis for each pupil.

R277-470-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-513 which directs the Board to distribute funds for charter school students directly to the charter school, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds.

B. The purpose of this rule is to establish procedures for authorizing, funding, and monitoring charter schools and for repealing charter school authorizations. The rule also establishes timelines as required by law to provide for adequate training for beginning charter schools [~~and to ensure parent involvement on charter school boards~~].

R277-470-4. Charter School Orientation and Training.

A. Beginning with the 2006-2007 school year, all charter school applicants shall attend orientation/training sessions designated by the State Charter School Board.

B. Orientation meetings shall be scheduled at least quarterly and be [~~held regionally or be~~] available electronically, as determined by the State Charter School Board.

C. Charter schools and applicants that attend orientation/training sessions shall be eligible for additional funds, upon approval, in an amount to be determined by the State Charter School Board provided through federal charter school funds or a General Fund appropriation to the extent of funds available. Charter school applicants that attend training and orientation sessions may receive priority for approval from the State Charter School Board and the Board.

D. Orientation/training sessions shall provide information including:

- (1) charter school implementation requirements;
- (2) charter school statutory and Board requirements;
- (3) charter school financial and data management requirements;
- (4) charter school legal requirements;
- (5) federal requirements for charter school funding; and
- (6) other items as determined by the State Charter School Board.

R277-470-5. New or Expanding Charter School Notification to Prospective Students and Parents.

A. All charter schools opening or expanding by at least ten percent of overall enrollment or adding one or more grade levels after July 1, 2007 shall notify all families consistent with the schools' outreach plans described in the charter agreements of:

(1) a new or expanding charter school's purpose, focus and governance structure, including names, qualifications, and contact information of governing board members;

(2) the number of new students that will be admitted into the school by grade;

(3) the proposed school calendar for the charter school including at a minimum the first and last days of school, scheduled holidays, pre-scheduled professional development days (no student attendance), and other scheduled non-school days;

(4) the charter school's timelines for acceptance or rejection of new students consistent with Section 53A-1a-506.5;

(5) a State-approved student charter school application (beginning with the 2008-09 school year);

(6) procedures for transferring to or from a charter school, together with applicable timelines; and

(7) provide for payment, if required, of a one-time fee per secondary school enrollment, not to exceed \$5.00, consistent with Section 53A-12-103.

B. ~~[Beginning with charter schools that are opening or expanding for the 2007-08 school year, e]~~Charter schools shall provide written notice of the information in R277-470-5A consistent with the school's outreach plan and at least ~~[450]~~180 days before the proposed opening day of school ~~[beginning with the 2008-09 school year, or].~~

C. ~~[Beginning with charter schools that are opening or expanding for the 2007-08 school year, e]~~Charter schools shall have an operative and readily accessible electronic website providing information required under R277-470-5A in place ~~and for schools opening after the 2007-08 school year at least 150 days before the proposed first day of school].~~ The completed charter school website shall be provided to the State Charter School Board at least ~~[470]~~180 days prior to the proposed opening day of school. The State Charter School Board shall require new charter schools to have websites that may be reviewed by the State Charter School Board prior to the schools posting the websites publicly.

R277-470-7. Timelines - Charter School Starting Date.

A. The State Charter School Board shall accept a proposed starting date from a charter school applicant, or the State Charter School Board shall negotiate and recommend a starting date prior to recommending final charter approval to the Board.

B. A local or state-chartered school shall be approved by November 30, two years prior to the school year it intends to serve students in order to be eligible for state funds.

C. A local or state-chartered school shall acquire a facility and enter into a written agreement, or begin construction on a new or existing facility no later than January 1 of the year the school is scheduled to open. Each state-chartered school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing the charter school facilities to its chartering entity for review and advice prior to the charter school entering into the lease, agreement, or contract, consistent with Section 53A-1a-507(9).

D. If students are not enrolled and attending classes by October 1, a charter school shall not receive funding from the state for that school year.

E. Despite a charter school meeting starting dates, a charter school shall be required to satisfy R277-419 requirements of 180 days and 990 hours of instruction time, unless otherwise exempted by the Board under 53A-1a-511.

F. The Board may, following review of information, approve the recommended starting date or determine a different charter school starting date after giving consideration to the State Charter School Board recommendation.

R277-470-10. Procedures and Timelines for Schools Chartered by Local Boards to Convert to Board-Chartered Schools.

A. A charter school chartered initially by a local board of education shall notify the local board that it will seek Board approval for a state conversion to its charter with adequate notice for the local board to make staffing decisions.

B. A locally chartered school shall operate successfully for at least nine months prior to applying for conversion to a Board chartered school ~~[consistent with R277-470-4].~~

C. A charter school shall submit an application to convert from a locally chartered school to a Board chartered school to the State Charter School Board; the State Charter School Board shall provide an application for schools seeking to convert.

D. The application may require some or all of the following, depending upon the school's longevity, successful operation and existing documentation at the USOE:

- (1) current board members and founding members;
 - (2) audit and financial records:
 - (a) record of state payments received;
 - (b) record of contributions received by the school from inception to date;
 - (c) test scores, including calendar of testing;
 - (d) current employees: identifying assignments and licensing status, if applicable;
 - (e) student lists, including home addresses or uniform student identifiers for current students;
 - (f) school calendar for previous school year and prospective school year;
 - (g) course offerings, if applicable;
 - (h) affidavits, signed by all board members providing or certifying (documentation may be required):
 - (i) the school's nondiscrimination toward students and employees;
 - (ii) the school's compliance with all state and federal laws;
 - (iii) that all information on application provided is complete and accurate;
 - (iv) that school meets/complies with all health and safety codes/laws;
 - (v) that the school is current with all required policies (personnel, salaries, and fees), including board minutes for the most recent three months;
 - (vi) that the school is operating consistent with the school's charter;
 - (vii) the school's Annual Yearly Progress status under No Child Left Behind;
 - (viii) that there are no outstanding lawsuits or judgments or identifying outstanding lawsuits filed or judgments against the school;
 - (ix) that the previous local board of education supports or does not support conversion;
- E. Applications for conversion from locally chartered to Board chartered shall be considered by the State Charter School Board within 60 days of submission of complete applications, including all required documentation.
- F. Following approval by the State Charter School Board, proposals of charter schools seeking conversion approval shall be submitted to the Board for review.

G. If an applicant is not accepted for conversion, the State Charter School Board shall provide adequate information for the charter school to review and revise its proposal and reapply no sooner than nine months from the previous conversion application.

H. The Board shall consider the conversion application within 45 days of State Charter School Board approval, or next possible monthly Board meeting, whichever is sooner.

I. Final approval or denial of conversion is final administrative action by the Board.

R277-470-12. Charter School Parental Involvement.

A. Charter schools shall encourage and provide opportunities for parental involvement in management decisions at the school level~~[maintain active involvement of parents of current charter school students.]~~

B. Charter schools that ~~[apply for]~~elect to receive School LAND Trust funds shall have a committee consisting of a majority of parents elected from parents of students currently attending the charter school ~~[on the committee]~~that is designated to make decisions about the School LAND Trust funds consistent with R277-477-3~~[D]~~E.

R277-470-13. Charter School Oversight and Monitoring.

A. The State Charter School Board shall provide direct oversight to the state's board chartered schools, including:

(1) requiring that all charter schools shall be members of and accredited by NAAS;~~[(1) creation of an accountability review process which shall include:~~

~~(a) approval of first year charter school accountability plans which may consist of:~~

~~(i) revised charter effectiveness goals or accountability plan for elementary schools; or~~

~~(ii) revised charter effectiveness goals or accountability plan and official application for NAAS accreditation.~~

~~(b) visit to charter school at least once during its first year of operation;~~

~~(c) visit(s) to charter school as determined in the review process; and~~

~~(d) written reports to charter schools after each visit.]~~

(2) annual review of student achievement indicators for all schools, disaggregated for various student subgroups;

(3) quarterly review of summary financial records and disbursements and student enrollment;

(4) annual review conducted through site visits or random audits of personnel matters such as employee licensure and evaluations;[

~~(5) review and approval of first year charter school accountability plans, which may be the charter effectiveness goals or official application for NAAS accreditation;]~~

~~[(6)]~~5 regular review of other matters specific to effective charter school operations as determined by the USOE charter school staff; and

~~[(7)]~~6 audits and investigations of claims of fraud or misuse of public assets or funds; and

(7) requiring that charter schools are in compliance with their charter agreement, as maintained by the USOE. It is presumed that the charter agreement maintained by the USOE is the final, official and complete agreement.

B. The Board retains the right to review or repeal charter school authorization based upon factors that may include:

(1) financial deficiencies or irregularities; or

(2) persistently low student achievement inconsistent with comparable schools; or

(3) failure of the charter school to comply with state law, Board rules, or directives; or

(4) failure to comply with currently approved charter commitments.

C. All charter schools shall amend their charters to include the following statement:

To the extent that any charter school's charter conflicts with applicable federal or state law or rule, the charter shall be interpreted and enforced to comply with such law or rule and all other provisions of the charter school shall remain in full force and effect.

D. District charter school authorizers shall:

(1) visit a charter school at least once during its first year of operation;

(2) visit a charter school as determined in the review process; and

(3) provide written reports to the charter schools after the visits.

R277-470-14. Approved Charter School Expansion.

A. The following shall apply to requests for expansion for approved and operating charter schools:

(1) The school satisfies all requirements of state law and Board rule.

(2) The approved Charter Agreement shall provide for an expansion consistent with the request; or

(3) The charter school governing board has submitted a formal amendment request to the State Charter School Board that provides documentation that:

(a) the school district in which the charter school is located has been notified of the proposed expansion in the same manner as required in Section 53A-1s-505(1);

(b) the school can accommodate the expansion within existing facilities or that necessary structures will be completed, meeting all requirements of law and Board rule, by the proposed date of operation;

(c) the school currently satisfies all requirements of state law and Board rule including adequate insurance, adequate parental involvement, compliance with all fiscal requirements, and adequate services for all special education students at the school;

(d) students at the school are performing on standardized assessments at an acceptable level with stable scores or scores showing an upward trend;

(e) adequate qualified administrators and staff shall be available to meet the needs of the increased number of students at the time the expansion is implemented.

B. The charter school governing board shall file a request with the State Charter School Board for an expansion no later than April 1 two years prior to the date of the proposed implementation of the expansion.

C. Expansion requests shall be considered by the State Charter School Board as part of the total number of charter school students allowed under 53A-1a-502.5(1).

R277-470-15. Satellite School for Approved Charter Schools.

A. An existing charter school may submit an amendment request to the State Charter School Board for a satellite school no later than April 1 two years prior to the date of the proposed implementation of the satellite if the charter school fully satisfies the following:

(1) The school currently satisfies all requirements of state law and Board rule including adequate insurance, adequate parental involvement, compliance with all fiscal requirements, and adequate services for all special education students at the school;

(2) The school has operated successfully for at least three years;

(3) Students at the school are performing on standardized assessments at an acceptable level with stable scores or scores showing an upward trend;

(4) The proposed satellite school will provide educational services, assessment, and curriculum consistent with the services, assessment, and curriculum currently being offered at the existing charter school;

(5) The school shall be financially stable; there have been no repeat findings of deficiencies on required outside audits for at least two consecutive years;

(6) Adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite site school;

(7) The school has had an audit by Charter School Section staff regarding performance of the current charter agreement, contractual agreements, and financial records; and

(8) The school provides any additional information or documentation requested by the Charter School Section staff or the Board.

(9) A satellite school that receives School LAND Trust funds shall have a School LAND Trust committee and satisfy all requirements for School LAND Trust committees consistent with R277-477.

B. The satellite school amendment request shall include the following:

(1) Written certification from the charter school governing board that the charter school currently satisfies all requirements of state law and Board rule;

(2) A detailed explanation of the governance structure for the satellite school, including appointed, elected and parent representation on the governing board, parental involvement and professional staff involvement in implementing the educational plan. The applicant charter school shall include at least two voting parent members representing the parents of students at the satellite school on its governing board; at least one parent shall be elected by parents of students attending the satellite school;

(3) Information detailing the grades to be served, the number of students to be served and general information regarding the physical facilities anticipated to serve the school;

(4) A detailed financial plan for the satellite school;

(5) A signed acknowledgment by the charter school governing board certifying board members' understanding that a physical site for the building must be secured no later than January 1 of the year the satellite school is scheduled to open;

(a) the securing of the building site must be verified by a real estate closing document, signed lease agreement, or other contract indicating a right of occupancy pursuant to R277-470-7C;

(b) failure to secure a site by the required date may, at the discretion of the State Charter School Board, delay the opening of the satellite school for at least one academic year.

(6) Notification to both the school district in which the charter school is located and the school district of the proposed satellite school location in the same manner as required in Section 53A-1a-505(1);

(7) Written certification that no later than 15 days after securing a building site, the charter school governing board shall notify the school district in which the charter school satellite school is located of the school location, grades served, and anticipated enrollment by grade with a copy of the notification sent to the State Charter School Board; and

(8) A signed acknowledgment by the charter school governing board that the board understands the satellite school shall be held accountable for its own AYP report and disaggregated financial data and reports.

C. The approval of the satellite school by the State Charter School Board requires ratification by the State Board of Education and will expire 24 months following such ratification if a building site has not been secured for the satellite school.

D. A charter school may not apply for more than three satellite locations.

R277-470-17. Charter School Building Subaccount.

A. The Board shall establish or reauthorize a Subaccount Committee consistent with 53A-21-401(6) by July 15 annually.

(1) The Superintendent, on behalf of the Board, may annually accept nominations of individuals who meet the qualifications of 53A-21-401(6)(a) from interested parties, including individuals nominating themselves, before June 1. The Board shall appoint five Subaccount Committee members; the Committee shall consider the Governor's nomination as one of the five appointees and the State Charter School Board's nomination as one of the five appointees.

(2) Per Section 53A-21-401(6)(a), the governor shall nominate one individual who meets the qualifications of 53A-21-401(6)(a) before the Board appoints Committee members.

(3) The State Charter School Board shall nominate one individual who meets the qualifications of Section 53A-21-401(6)(a) before June 1 consistent with R277-470-17A(1).

([3]4) Subaccount Committee members shall be appointed by the Board to terms that do not exceed three years.

(a) In order to stagger terms, terms of appointed Committee members shall be determined by the Board, upon the effective date of this rule.

(b) Future Committee members shall serve three year terms.

(c) The USOE Charter School Director or designee shall be a non-voting Subaccount Committee member.

B. The Subaccount Committee shall develop and the USOE shall make available a loan application that includes criteria designated under Sections 53A-21-401(6)(b) and (8).

C. The Subaccount Committee shall include other criteria or information from loan applicants that the committee or the Board determines to be necessary and helpful in making final recommendations to the Superintendent, the State Charter School Board and the Board. The Subaccount Committee shall also

establish terms and conditions for loan repayment, consistent with Section 53A-21-401(6)(b).

D. Applications for loans shall be accepted on an ongoing basis, subject to eligibility criteria and availability of funding.

(1) To apply for a loan, a charter school shall submit the information requested on the Board's most current loan application form together with the requested supporting documentation.

(2) The application shall include a resolution from the governing board of the charter school that the governing board, at a minimum:

(a) agrees to enter into the loan as provided in the application materials;

(b) agrees to the interest established by the Subaccount Committee and repayment schedule of the loan designated by the Subaccount Committee and the Board;

(c) agrees that loan funds shall only be used consistent with the purposes of Section 53A-21-401(5)(c) and the purpose of the approved charter;

(d) agrees to any and all audits or financial reviews ordered by the Subaccount Committee or the Board;

(e) agrees to any and all inspections or reviews ordered by the Subaccount Committee or the Board;

(f) understands that repayment, including interest, shall be deducted automatically from the charter school's monthly fund transfers, as appropriate.

E. The Subaccount Committee shall not make recommendations to the Superintendent, the State Charter School Board or the Board until the committee receives complete and satisfactory information from the applicant and the Subaccount Committee has reached a majority recommendation.

F. The submission of intentionally false, incomplete or inaccurate information from a loan applicant shall result in immediate cancellation of any previous loan(s), the requirement for immediate repayment of any funds received, denial of subsequent applications for a 12 month period from the date of the initial application, and possible Board revocation of a charter.

G. The Superintendent, in consultation with USOE and State Charter Board staff, shall review recommendations from the Subaccount Committee and make final recommendations to the Board.

H. The Superintendent shall submit final recommendations from the Subaccount Committee to the Board no more than 60 days after submission of all information and materials from the loan applicant to the Subaccount Committee.

I. The Board may request additional information from loan applicants or a reconsideration of a recommendation by the Subaccount Committee.

J. The Board's approval or denial of loan applications constitutes the final administrative action in the charter school building revolving loan process.

KEY: education, charter schools

Date of Enactment or Last Substantive Amendment: ~~May 12,~~ **2009**

Notice of Continuation: **October 10, 2008**

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1a-515; 53A-1a-505; 53A-1a-513; 53A-1a-502; 53A-1-401(3); 53A-1a-510; 53A-1a-509; 41-6-115; 53A-1a-506; 53A-21-401; 53A-1a-519; 53A-1a-520; ~~53A-1a-501.5; 53A-1-301;~~

~~53A-1a-502.5; 53A-1a-506.5; 53A-12-103; 53A-11-504; 53A-11-903; 53A-11-904; 53A-1a-511; 53A-1-302 and 303; 53A-17a;109; 53-8-211; 62A-4a-403; 53A-11-605~~

Education, Administration
R277-704-3
Financial and Economic Literacy
Student Passport

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32980

FILED: 09/15/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R277-704-3 is amended to include language from S.B. 100, 2009 Legislative Session requiring that public schools provide parents/guardians and students with a financial and economic literacy passport and information about post-secondary education savings options during kindergarten enrollment. (DAR NOTE: S.B. 100 (2009) is found at Chapter 95, Laws of Utah 2009, and was effective 07/01/2009.)

SUMMARY OF THE RULE OR CHANGE: The amended rule provides additional language in Section R277-704-3 regarding the financial and economic literacy passport and about post-secondary education savings options.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-13-110 and Subsection 53A-1-401 (3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. New requirements requiring Utah State Office of Education responsibilities will be covered by existing staff within existing budget.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Financial and economic literacy passports have been required. New requirements are nominal and costs, if any, will be covered by existing public school staff within existing budget.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and amendment apply to public schools and not to businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government

entities. Financial and economic literacy passports and information about post-secondary education savings will be provided to parents/guardians and students during kindergarten enrollment at no cost to parents/guardians and students.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Costs for public schools to provide financial and economic literacy student passports and information about post-secondary education savings options during kindergarten enrollment is nominal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.
R277-704. Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports.
R277-704-3. Financial and Economic Literacy Student Passport.

A. The Board and the USOE shall develop and promote a financial and economic literacy student passport model, which would include tracking of student progress toward a passport.

B. Early efforts will focus on students in grades nine through 12.

C. Development efforts will include parent and community participation.

D. A major goal of the development and promotion of a financial and economic literacy student passport will be to inform and educate students and their parents throughout the public school experience of the importance of financial and economic literacy and its applicability to all areas of the public school curriculum.

E. ~~[Students and parents shall receive]~~ Public schools shall provide parents/guardians and students with the following:

(1) during kindergarten enrollment, a financial and economic literacy passport and information about post-secondary education savings options; and

(2) information and encouragement toward the financial and economic literacy student passport opportunity upon development as part of the SEOP process.

KEY: financial, economics, literacy
Date of Enactment or Last Substantive Amendment: ~~[November 10, 2008]~~ **2009**
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-110; 53A-1-401(3)

Education, Administration
R277-733
 Adult Education Programs

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 32981
 FILED: 09/15/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended at the beginning of 2009 to provide the Utah High School Completion Diploma for students who have passed the five subtests of the GED. When a student is awarded the Utah High School Completion Diploma, the student is no longer eligible to be enrolled in a Utah public high school. It was determined that this language needed modification to be in compliance with the Individuals with Disabilities Education Act (IDEA). The rule is amended now to make it consistent with federal laws and regulations.

SUMMARY OF THE RULE OR CHANGE: The amendments remove a definition, and provide language in Section R277-733-8 to make the rule consistent with federal laws and regulations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-401 and Subsection 53A-1-401(3) and Subsection 53A-1-402(1)

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments to the rule merely make it consistent with federal laws and regulations.
 ♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. A student with disabilities entitled to a free appropriation public education will continue

to be educated, consistent with federal laws and regulations, until the student has graduated with a regular high school diploma or has reached the maximum age limit of twenty-two years. Costs to local education agencies are reimbursable from the federal government.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and the amendment apply to public schools and not to businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. Students with disabilities will be provided with a free appropriate public education until the student has graduated with a regular high school diploma or has reached the maximum age limit of twenty-two years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. School districts and schools will continue to provide students with disabilities a free appropriate public education until the student has graduated with a regular high school diploma or has reached the maximum age limit of twenty-two years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-733. Adult Education Programs.

R277-733-1. Definitions.

A. "Adult" means an individual 18 years of age or over.

B. "Adult education" means organized educational programs below the collegiate/postsecondary level, other than

regular full-time K-12 secondary education programs, provided by school districts or nonprofit organizations affording opportunities for individuals having demonstrated both presence and intent to reside within the state of Utah who are out-of-school youth (16 years of age and older) or adults who have or have not graduated from high school, to improve their literacy levels and to further their high school level education.

C. "Adult Basic Education (ABE)" means a program of instruction below the 9.0 academic grade level for adults who lack competency in reading, writing, speaking, problem solving or computation at a level that substantially impairs their ability to find or retain adequate employment that will allow them to become employable, contributing members of society and preparing them for advanced education and training. The instruction is designed to help adults by:

- (1) increasing their independence;
- (2) improving their ability to benefit from occupational training;
- (3) increasing opportunities for more productive and profitable employment; and
- (4) making them better able to meet adult responsibilities.

D. "Adult Education and Family Literacy Act (AEFLA)" means Title II of the Workforce Investment Act (WIA) of 1998 which provides the principle source of federal support for adult basic and literacy education programs for adults who lack basic skills, an Adult Education Secondary Diploma or its equivalency, or proficiency in English.

E. "Adult High School Completion (AHSC)" means a program of academic instruction at the 9.0 grade level or above in Board-approved subjects for eligible adult education students who are seeking an Adult Education Secondary Diploma from an adult education program.

F. "Board" means the Utah State Board of Education.

~~G. "Certificate of GED" means a certificate diploma issued by the USOE to an individual who has successfully passed all five subject areas of the GED based on Utah passing standards; measuring the major and lasting outcomes and concepts associated with a traditional four-year high school education. This definition is effective until July 1, 2009.~~

H. "Community-Based Organization (CBO)" means a nonprofit organization:

- (1) eligible for and accepting federal AEFLA funds; and
- (2) for the sole purpose of providing adult education services to qualified adult education learners.
- (3) All rules and laws that apply to schools/school districts shall also apply to CBOs that receive adult education funding.

(4) CBOs:

- (a) apply to the USOE;
- (b) receive adult education funding through a competitive process; and

(c) receive USOE funding on a reimbursement basis only.

I. "Consumable items" means student workbooks, student packets, computer disks, pencils, papers, notebooks, and other similar personal items for which a student retains ownership during the course of study.

J. "Desk monitoring" means the review of UTopia data to ensure program integrity.

[K]J. "Eligible adult education student" means an individual who provides documentation that his primary and permanent residency is in Utah, and:

- (1) is 17 years of age or older, and whose high school class has graduated; or
- (2) is under 18 years of age and is married; or
- (3) has been adjudicated as an adult; or
- (4) is an out-of-school youth 16 years of age or older who has not graduated from high school.

[L]K. "Enrollee" means an adult student who has 12 or more contact hours in an adult education program during a fiscal/program year, an academic assessment establishing an Entering Functioning Level, has an adult education Student Education Occupation Plan (SEOP) with an established goal, and a defined funding code. Enrollee status is based on the last date that all of the above items are entered into UTopia.

[M]L. "English for Speakers of Other Languages (ESOL)" is an instructional program provided for non-native language speakers.

[N]M. "Fee" means any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods. Admission fees, transportation charges, and similar payments to third parties are fees if the charges are made in connection with an activity or function sponsored by or through an adult education program. All fees are subject to approval by the local school board of education or local board of trustees.

[O]N. "General Educational Development (GED) preparation" means a program that provides instruction in five specific subject areas for eligible adult education students who seek a Utah High School Completion Diploma by successfully passing all five GED Tests. This definition is effective on July 1, 2009.

[P]O. "General Educational Development (GED) Testing" means the test required under R277-702.

[Q]P. "Latest official census data" means the most current statistical information available used to determine the number of adults who need adult education services, and determined by:

- (1) individuals 16 years of age and older; or
- (2) individuals 16 years of age and older whose primary language is other than English; or
- (3) individuals 16 years of age and older without a high school diploma or its equivalency - ungraduated adults.

[R]Q. "Measurable outcomes" means indicators of student achievement in adult education programs used for state funding purposes. These outcomes are described in R277-733-9.

[S]R. "Other eligible adult education student" means an individual 16 to 19 years of age whose high school class has not graduated and is counted in the regular school program. The funds generated, weighted pupil unit (WPU) or collected fees or both, are credited to the adult education program for attendance in an adult education program.

[T]S. "Out-of-school youth" means a student 16 years of age or older who has not graduated from high school and is no longer enrolled in a K-12 program of instruction.

[U]T. "Participant" means an adult education student who does not meet the qualifications of an adult education enrollee.

[V]U. "Teachers of English to Speakers of Other Languages (TESOL)" means a credential for teachers of ESOL.

[W]V. "Tuition" means the base cost of an adult education program that provides services to adult education students.

[X]W. "USOE" means the Utah State Office of Education.

[Y]X. "Utah High School Completion Diploma" is a diploma issued by the Board and distributed by the GED Testing Centers as agents of the Board to an individual who passes all five subject areas of the GED Tests at a Utah GED Testing Center based on Utah passing standards; measuring the major and lasting outcomes and concepts associated with a traditional four-year high school experience. ~~[-This definition is effective on July 1, 2009.]~~

[Z]Y. "UTopia" means Utah Online Performance Indicators for Adult Education statewide database.

[AA]Z. "Waiver release form" means a form signed at least annually by an adult education student allowing for release of the student's personal data and student education occupation plan, including social security number and GED scores, for data matching purposes with agencies such as the Department of Workforce Services, higher education, Utah State Office of Rehabilitation and GED Scoring Services. Signed waiver release allows a student's education records to be shared with other adult education programs or interested agencies for the purpose of skill development, job training or career planning, or other purposes.

R277-733-7. Adult Education Pupil Accounting.

A. A Utah administered adult education program shall receive WPU funding for a student at the rate of 990 clock hours of membership per one weighted pupil (with part-time enrollment prorated by the school district) for a student who is a resident of a Utah school district who meets the following criteria:

- (1) is at least 16 years of age but less than 19 years of age;
- (2) who has not received a high school diploma or a Utah High School Completion Diploma;
- (3) who intends to graduate from a K-12 high school; and
- (4) who attends an SEOP meeting with his school counselor, school administrator/designee, parent/legal guardian to discuss the appropriateness of the student's participation in adult education.

B. A student 17 years of age or older, without a high school diploma but whose high school class has graduated, who is a Utah resident, and who intends to graduate from a K-12 high school, may, with parental/guardian consultation and written approval from all parties (if applicable), enroll in the state administered adult education program upon proof of Utah residency. Student attendance up to 990 clock hours of membership is equivalent to 1 FTE per year.

(1) The clock hours of students enrolled part-time shall be prorated.

(2) As an alternative, equivalent WPUs may be generated for competencies mastered on the basis of prior authorization of a school district plan by the USOE.

C. For purposes of funding in an adult education program, a student can only be a pupil in average daily membership once on any day. If the student's day is part-time in the regular school program and part-time in the adult education program, the student's membership shall be reported on a prorated basis for each

program. A student may not be funded for more than one regular WPU for any school year.

D. An out-of-school youth (minimum age of 16) who has not graduated from high school, may, with parental/guardian written approval (if applicable), school district administrative written approval and proof of Utah residency, enroll in an adult education program:

(1) The WPU shall not be generated by the student's participation in an adult education program.

(2) This student shall be eligible for adult education state funding.

(3) This student shall be presented with information prior to or at the time of enrollment in an adult education program that defines the consequences of the student's decision including the following:

(a) The student may receive an Adult Education Secondary Diploma upon completion of the minimum required Carnegie units of credit as defined by the local adult education program; or

(b) The student may earn a Utah High School Completion Diploma upon successful passing of all five GED Tests; or

(c) The student may, at the discretion of the school district, return to his regular high school prior to the time his class graduates with the understanding and expectation that all necessary requirements for the traditional K-12 diploma shall be completed, provided that the student:

(i) is released from the adult education program; and

(ii) has not completed the requirements necessary for an Adult Education Secondary Diploma; or

(iii) has not successfully passed all five GED Tests and has not received a Utah High School Completion Diploma.

(4) An out-of-school youth of school age who has received an Adult Education Secondary Diploma [~~or a Utah High School Completion Diploma~~] is not eligible to return to a K-12 high school.

(5) An out-of-school youth of school age who has received a Utah High School Completion Diploma is not eligible to return to a K-12 high school unless it is required for the provision of a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C., Chapter 33.

([5]6) An out-of-school youth of school age who has successfully completed an Adult Education Secondary Diploma or a Utah High School Completion Diploma shall be reported as a graduate for K-12 graduation (AYP) outcomes.

([6]7) An out-of-school youth of school age may be considered eligible to take the GED Test if all requirements as stated in R277-702, Procedures for Utah General Educational Development Certificate, are followed.

R277-733-8. Program, Curriculum, Outcomes and Student Mastery.

A. The Utah Adult Education Program shall offer courses consistent with the Utah Core curriculum under R277-700.

B. The Utah Core curriculum and teaching strategies may be modified or adjusted to meet the individual needs of the adult education student.

C. Written course descriptions for AHSC required and elective courses shall be developed by school district adult

education programs for all classes taught, consistent with the Utah Core curriculum and Utah adult education curriculum standards, as provided by the USOE.

D. Written course descriptions for GED Test preparation, ESOL and ABE courses shall be developed cooperatively by school districts, CBOs and the USOE based on Utah Core curriculum standards, modified for adult learners.

E. Course descriptions shall contain adult education mastery criteria and shall stress mastery of adult life skill material consistent with Core objective standards and the Core curriculum.

F. Course content mastery shall be stressed rather than completion of predetermined seat time in a classroom.

G. Adult high school completion education is determined by the following prerequisite courses:

(1) ESOL competency AEFLA levels one through six;

(2) ABE competency AEFLA levels one through four.

H. AHSC courses for students seeking an Adult Education Secondary Diploma should meet federal AEFLA AHSC Levels I and II competency requirements with a minimum completion of 24 credits under the direction of a Utah licensed teacher as provided below:

(1) Adult High School Core Courses, as offered consistent with Utah Core objectives:

(a) 24.0 units of credit required through satisfaction of a course of study by demonstrated course competency or school district approved competency examination in correlation with the student's SEOP career focus;

(b) awarded adult education credit options including continuous professional employment training required for a professional license; or

(c) documented achievement of a trade or skill, basic or advanced military training;

(d) apprenticeship, union or registered work credentials;

(e) successfully passing all five GED Tests; academic credit for successfully passing all five GED Tests may only be applied toward an Adult Education Secondary Diploma if the proposed awarded units of credit [~~are entered into Utopia~~] were transcripted by June 30, 2009;

(f) transcripted college or university courses as they align to the following Core instructional areas:

(i) Language Arts: 3.0;

(ii) mathematics: 2.0, individualized mathematics courses to meet the life needs of adult learners;

(iii) science: 2.0, from the four science areas of chemistry, biological science, earth science, or physics;

(iv) social studies: 2.50, 1.0 in United States history, .50 in United States government and civics, .50 in geography; and .50 in world civilizations;

(v) arts: 1.50;

(vi) healthy lifestyles: 2.0, individualized courses meeting the life needs of adult learners that include: .25 - 1.50 health education, .25 - 1.50 individualized fitness for life courses;

(vii) career and technical education (CTE): 1.00;

(viii) general financial literacy: .50;

(ix) education technology: .50 computer technology courses or successful completion of school district approved competency examination;

(x) electives: 9.0 units of credit.

I. The USOE Adult Education Section and local education programs shall disseminate clear information regarding revised adult education graduation requirements.

J. Adult education students receiving education services in a state prison or jail education program may graduate with an Adult Education Secondary Diploma upon completion of the state required 24.0 units of credit required under R277-700 and satisfied through completed credits or demonstrated course competency or a Utah High School Completion Diploma upon successful passing all five of the GED Tests consistent with students' SEOP career focus.

K. Adult Education Secondary Diploma graduation requirements may be changed or modified, or both, for adult students with documented disabilities through Individual Education Plans (IEPs) from age 16 up until their 22nd birthday or an adult education SEOP, or both to meet unique educational needs.

L. A student's IEP or adult education SEOP shall document the nature and extent of modifications, substitutions, or exemptions made to accommodate the student's disability(ies).

M. Modified graduation requirements for individual students shall:

- (1) be consistent with the student's IEP or SEOP, or both;
- (2) be maintained in the student's files;
- (3) maintain the integrity and rigor expected for AHSC graduation.

N. School districts shall establish policies:

- (1) allowing or disallowing adult education students participation in graduation activities or ceremonies; and
- (2) allowing or disallowing adult education students from participating in the Utah Basic Skills Competency Test (UBSCT).

O. An adult education high school completion student may only receive an Adult Education Secondary Diploma earned through a designated Utah adult education program.

P. Adult education programs shall accept credits and grades awarded to students from other state recognized adult education programs, schools accredited by the Northwest Association of Accredited Schools or schools or programs approved by the Board without alteration.

Q. Adult education programs may establish reasonable timelines and may require adequate and timely documentation of authenticity for credits and grades submitted from schools or private providers.

R. A school district/adult education program is the final decision-making authority for the awarding of credit and grades from non-accredited sources.

S. Adult education shall provide a program that allows students to transition between sites in a seamless manner.

T. An adult education student seeking a Utah High School Completion Diploma shall be offered a course of academic instruction designed to prepare the student to take the GED Tests.

U. A Utah High School Completion Diploma shall be issued by the Board and distributed by the GED testing centers as agents of the Board or directly by the USOE GED administrator. Receipt of the Utah High School Completion Diploma does not end entitlement to a free appropriate public education for a student eligible for special education under IDEA.

V. Upon completion of requirements for a Utah Adult Education Secondary Diploma, or a Utah High School Completion Diploma, adult education students may only continue in an adult education program to improve their basic literacy skills if:

(1) their academic skills are less than 12.9 grade level in an academic area of reading, math or English; and

(2) they lack sufficient mastery of basic educational skills to enable them to function effectively in society. The focus of instruction shall be solely literacy and is limited specifically to reading, math or English.

KEY: adult education

Date of Enactment or Last Substantive Amendment: ~~June 23,~~ **2009**

Notice of Continuation: **October 5, 2007**

Authorizing, Implemented, or Interpreted Law: **Art X Sec 3; 53A-15-401; 53A-1-402(1); 53A-1-401(3); 53A-1-403.5; 53A-17a-119; 53A-15-404**

Environmental Quality, Air Quality R307-101-2 Definitions

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 32958

FILED: 09/10/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In preparation for the development of the new PM2.5 State Implementation Plan (SIP), the agency is adding the definition of "PM2.5" to Section R307-101-2.

SUMMARY OF THE RULE OR CHANGE: The definition of "PM2.5" is being added to Section R307-101-2.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This revisions dose not create new requirements, no change in costs is expected for the state budget.

◆ **LOCAL GOVERNMENTS:** This revision does not create new requirements, no change in costs is expected for local governments.

◆ **SMALL BUSINESSES:** This revision does not create new requirements, no change in costs is expected for small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This revision does not create new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected.

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 by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at kkreykes@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2009

AUTHORIZED BY: Bryce Bird , Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

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

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"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

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KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: 2009

Notice of Continuation: February 8, 2008

Authorizing, and Implemented or Interpreted Law: 19-2-104(1) (a)

**Environmental Quality, Drinking Water
R309-511
Hydraulic Modeling Requirements**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 32978

FILED: 09/15/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to ensure that the increased water demand created by new construction will not adversely affect existing or new water users. This purpose will be accomplished by requiring the public water system or its agent to evaluate the water delivery system using a hydraulic model and certify to the Division that the project will not adversely impact the system.

SUMMARY OF THE RULE OR CHANGE: This new rule requires community and non-transient, non-community public water systems to evaluate their systems with a hydraulic model when they have projects which may adversely impact flow, pressure, or water quality.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** It is estimated that it will require 500 hours of time per year by state engineers to review the hydraulic models and reports that will be submitted to the Division of Drinking Water. At a cost of approximately \$40 per hour, with benefits, for an engineer's time, the estimated cost is \$20,000 per year.

◆ **LOCAL GOVERNMENTS:** None--This new rule should not add any additional cost to local government, unless the local government owns and operates a public drinking water system. In that case, the local government becomes a part of the regulated community and the cost impact is estimated below in "Compliance costs for affected persons".

◆ **SMALL BUSINESSES:** None--This new rule should not add additional cost to the operations of a small business. It will not increase workload or require additional personnel or funds from small business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This new rule should not add any additional cost to persons other than small businesses, businesses, or local government entities, unless the person owns and operates a public drinking water system. In that case, the person becomes a part of the regulated community and the cost impact is estimated below in "Compliance costs for affected persons".

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are 533 active community and non-transient, non-community public drinking water systems in the state which will be affected by this new rule. A survey was made of engineering firms to estimate the cost to prepare a hydraulic model and the associated reports: Very Small System (fewer than 500 people), \$16,060; Small System (500 to 3,300 people), \$26,550; Medium System (3,300 to 10,000 people), \$55,800; Large System (10,000 to 100,000 people), \$101,600; Very Large System (more than 100,000 people), \$225,000. Many of the larger system already have hydraulic models. Future projects after the initial model has been prepared will only require the model to be updated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department acknowledges the cost impact on water systems with this new rule. There should be little to no other detrimental impact on existing water systems or to new public water systems.

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:

◆ Bob Hart by phone at 801-536-0054, by FAX at 801-536-4211, or by Internet E-mail at bhart@utah.gov
◆ Ying-Ying Macauley by phone at 801-536-4188, by FAX at 801-536-4211, or by Internet E-mail at ymacauley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/14/2009 01:00 PM, Price River Water Improvement District, 265 S Fairgrounds Road, Price, UT
◆ 10/19/2009 01:00 PM, Cedar City Public Library, 303 N 100 E, Cedar City, UT
◆ 10/22/2009 01:00 PM, Division of Drinking Water, 150 N 1950 W, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/2009

AUTHORIZED BY: Ken Bousfield , Director

R309. Environmental Quality, Drinking Water.

R309-511. Hydraulic Modeling Requirements.

R309-511-1. Purpose.

The purpose of this rule is to ensure that the increased water demand created by new construction will not adversely affect existing or new water users. This purpose will be accomplished by requiring the public water system or its agent to evaluate the water delivery system using a hydraulic model and certify to the Division that the project will not adversely impact the system. It is intended that the public water system or its agent will use the findings of the hydraulic model to design improvements providing satisfactory service to both existing and new water users. This rule requires the public water system or its agent to certify that the design meets minimum flow requirements of R309-510 and pressure requirements as set forth in rule R309-105-9.

R309-511-2. 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(1)(a)(ii) of the Utah Code and in accordance with Title 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.

R309-511-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

"The public water system or its agent" is the individual responsible for signing the certification and preparing the Hydraulic Modeling Design Elements Report. This individual shall be a registered professional engineer, licensed to practice in the State of Utah.

R309-511-4. General.**(1) Rule Applicability.**

(a) This rule applies to public drinking water systems categorized as community water systems as defined by rule R309-100-4(2) and to non-transient non-community water systems that have system demands higher than required by R309-510 or with demands for fire suppression. All public drinking water systems are still required to comply with R309-550-5 with respect to water main design which may require a hydraulic analysis. Further, Certifications as defined by this rule, shall be part of the submission of plans for any public drinking water project as defined in rule R309-500-5(1), except projects that meet one of the following criteria:

(i) public drinking water projects that will not result in negative hydraulic impact, such as, but not limited to,

(A) addition of new sources in accordance with R309-515.

(B) adding disinfection, fluoridation, or other treatment facilities that do not adversely impact flow, pressure or water quality.

(C) storage tank repair.

(D) water main additions with no expansion of service (i.e. looping lines).

(E) adding transmission lines to storage or sources without adding service connections.

(F) adding pump station(s) from source or storage upstream of distribution service connections.

(ii) public drinking water projects that are a part of a planned phase of a master plan previously approved by the Executive Secretary per R309-500-6(3)a).

(iii) The water system maintains and updates a hydraulic model of the system, and has designated a professional engineer responsible for overseeing the hydraulic analysis in meeting the requirements of R309-511 in writing to the Executive Secretary.

(iv) The water system has a means that is deemed acceptable by the Executive Secretary to gather real time data indicative of hydraulic conditions in simulating scenarios of R309-511-5(9), and the real time data shows the system is capable of meeting the flow and pressure requirements for the additional demands placed on the existing system.

(b) A public water system must clearly identify the reason in the plan submittal if it wishes to demonstrate that R309-511 does not apply to a new construction project. In some cases, supporting documentation may be needed.

(c) If there are existing deficiencies in the water system, the Executive Secretary may allow a new construction project to proceed in accordance with the plan review requirements in R309-500 through 550 as long as the public water system demonstrates that the new construction project is located in a hydraulically separated area and does not adversely impact the

existing deficiencies or create new deficiencies within the water system.

(d) This rule does not waive the requirement of R309-550-5(3) if a proposed project does not qualify under R309-500-6(3) for plan waivers.

(2) Rule Elements.

The public water system or its agent, in connection with the submission of plans and specifications to the Executive Secretary, shall perform the following:

(a) Conduct a hydraulic modeling evaluation consistent with the requirements as set forth in this rule and R309-510. This model shall include either the entire public drinking water system or the specific areas affected by the new construction if hydraulically separated areas exist within the water system.

(b) Calibrate the model using field measurements and observations.

(c) Certify in writing to the Executive Secretary that the design complies with the sizing requirements of R309-510 and the minimum water pressures of R309-105-9.

(d) Prepare and submit a Hydraulic Model Design Elements Report (see R309-511-7).

(f) Prepare a System Capacity and Expansion Report if required (see R309-511-8).

R309-511-5. Requirements for the Hydraulic Model.

The following minimum requirements must be incorporated into hydraulic models constructed to meet these requirements:

(1) Include at least 80 percent of the total pipe lengths in the distribution system affected by the proposed project.

(2) Account for 100 percent of the flow in the distribution system affected by the proposed project. Water demand allocation must account for at least 80 percent of the flow delivered by the distribution system affected by the proposed project if customer usage in the system is metered.

(3) Include all 8-inch diameter and larger pipes. Pipes smaller than 8-inch diameter should also be included if they connect pressure zones, storage facilities, major demand areas, pumps, and control valves, or if they are known or expected to be significant conveyers of water such as fire suppression demand. Model piping does not need to include service lateral piping.

(4) Include all pipes serving areas at higher elevations, dead ends, remote areas of a distribution system, and areas with known under-sized pipelines.

(5) Include all storage facilities and accompanying controls or settings applied to govern the open/closed status of the facility that reflect standard operations.

(6) Include all pump stations, drivers (constant or variable speed), and accompanying controls or settings applied to govern their on/off/speed status that reflect various operating conditions and drivers.

(7) Include all control valves or other system features that could significantly affect the flow of water through the distribution system (i.e. interconnections with other systems, pressure reducing valves between pressure zones) reflecting various operating conditions.

(8) Impose peak day and peak instantaneous demands to the water system's facilities. These demands may be peak day and peak instantaneous demands per R309-510, the reduced demand

approved by the Executive Secretary per R309-510-5, or the demands experienced by the water system which are higher than the values listed in R309-510. This may require multiple model simulations to account for the varying water demand conditions. In some cases, extended period simulations are needed to evaluate changes in operating conditions over time. This will depend on the complexity of the water system, extent of anticipated fire event and nature of the new expansion.

(9) Calibrate the model to adequately represent the actual field conditions using field measurements and observations.

(10) If fire hydrants are connected to the distribution system, account for fire suppression requirements specified by local fire authority or use the default values stated in R309-510-9(4). For significant fire suppression demand, extended simulations must contain the run time for the period of anticipated fire event. In some cases, a steady state model may be sufficient for residential fire suppression demand.

(11) Account for irrigation demand if the drinking water system supplies irrigation water.

R309-511-6. Elements of the Public Water System or Its Agent's Certification.

(1) The public water system or its agent's certification.

The public water system or its agent shall, after a thorough review, submit a document to the Executive Secretary certifying that the following requirements have been met:

(a) The hydraulic model requirements as set forth in rule R309-511-5.

(b) The appropriate demand requirements as specified in this rule and rule R309-510 have been used to evaluate various operating conditions of the public drinking water system.

(c) The hydraulic model predicts that new construction will not result in any service connection within the new expansion area not meeting the minimum distribution system pressures as specified in R309-105-9.

(d) The hydraulic model predicts that new construction will not decrease the pressures within the existing water system to such that the minimum distribution system pressures as specified in R309-105-9 are not met.

(e) The calibration methodology is described and the model is sufficiently accurate to represent conditions likely to be experienced in the water delivery system.

(f) Identify the hydraulic modeling method, and if computer software was used, the software name and version used.

(2) The format of the public water system or its agent's submission.

The public water system or its agent shall submit to the Executive Secretary the following documentation:

(a) The certification as required in R309-511-6(1). The certification shall be signed, dated, and stamped by a registered professional engineer, licensed to practice in the State of Utah.

(b) A Hydraulic Model Design Elements Report (see R309-511-7). The document shall be signed, dated, and stamped by a registered professional engineer, licensed to practice in the State of Utah.

(c) For community public water systems, the water system management shall certify that they have received a copy of input and output data for the hydraulic model with the simulation

showing the worst case results in terms of water system pressure and flow.

(3) The submission of supporting documentation.

The public water system or its agent shall submit a System Capacity and Expansion Report (see R309-511-8) if requested by the Executive Secretary. The document shall be signed, dated, and stamped by a registered professional engineer, licensed to practice in the State of Utah.

R309-511-7. Hydraulic Model Design Elements Report.

The public water system or its agent shall prepare a Hydraulic Model Design Elements Report along with and in support of the certification stated in R309-511-6(1). The Hydraulic Model Design Elements Report shall contain, and is not limited to, the following elements:

(1) If the public drinking water system provides water for irrigation the report must describe the criteria used to estimate this demand. If the irrigation demand map in R309-510-7(3) is not used, the report shall provide justification for the alternative demands used in the model. If the irrigation demands are based on the map in R309-510-7(3) the report must identify the irrigation zone number, a statement and/or map of how the irrigated acreage is spatially distributed, and the total estimated irrigated acreage. The indicated irrigation demands must be used in the model simulations.

(2) The total number of connections served by the water system including existing connections and anticipated new connections served by the water system after completion of the construction of the project.

(3) The total number of equivalent residential connections (ERC) including both existing connections as well as anticipated new connections associated with the project. The number of ERC's must include high as well as low volume water users. The determination of the equivalent residential connections shall be based on flow requirements using the anticipated demand as outlined in R309-510, or based on alternative sources of information that are deemed acceptable by the Executive Secretary.

(4) Provide methodology used for calculating demand and allocating it to the model; a summary of pipe length by diameter; a hydraulic schematic of the distribution piping showing pressure zones, general pipe connectivity between facilities and pressure zones, storage, elevation and sources; and a list or ranges of values of friction coefficient used in the hydraulic model according to pipe material and condition in the system. All coefficients of friction used in the hydraulic analysis shall be consistent with standard practices.

(5) A statement stating either "yes fire hydrants exist or will exist within the system" or "there are no fire hydrants connected to the system and there is no plan to add fire hydrants with this project." Either statement will require the identification of the local fire authority's name, address, and contact information, as well as the fire flow quantity and duration if required.

(6) The locations of the lowest pressures within the distribution system, and areas identified by the hydraulic model as not meeting each scenario of the minimum pressure requirements in R309-105-9.

(7) Calibration method and quantitative summary of the calibration results (i.e., comparison tables, graphs).

R309-511-8. System Capacity and Expansion Report.

The public water system or its agent may be required to prepare a System Capacity and Expansion Report along with a Hydraulic Model Design Elements Report, as specified above, in support of the certification. It is intended that the System Capacity and Expansion Report be prepared, maintained, and used by the public water system's management to make informed decisions about its capability to provide water service to future customers and need only be submitted to the Division if requested by the Executive Secretary. The System Capacity and Expansion Report shall consist of the elements described in R309-110-4 under the definition of "Master Plan" and shall be updated if significant growth or changes to the water system have occurred.

KEY: drinking water, hydraulic modeling

Date of Enactment or Last Substantive Amendment: 2009

Authorizing, and Implemented or Interpreted Law: 19-4-104

Environmental Quality, Solid and Hazardous Waste **R315-1-1** Definitions

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 32966

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This proposed rule change adopts the federal definition of "gasification" into the state hazardous waste rules.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates 40 CFR 260.10, published by Office of the Federal Register National Archives and Records Administration, 07/01/2008
- ◆ Updates 40 CFR 264.18(a)(2), published by Office of the Federal Register National Archives and Records Administration, 07/01/2008

- ◆ Updates 40 CFR 279.1, published by Office of the Federal Register National Archives and Records Administration, 07/01/2008

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no additional costs or savings for the state budget beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **LOCAL GOVERNMENTS:** There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **SMALL BUSINESSES:** There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no additional costs or savings beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.

R315-1. Utah Hazardous Waste Definitions and References.

R315-1-1. Definitions.

(a) Terms used in R315-1 through R315-101 are defined in Sections 19-1-103 and 19-6-102.

(b) For R315-1 through R315-101, the terms defined in 40 CFR 260.10, 264.18(a)(2), and 279.1, [2007]2008 ed., are adopted and incorporated by reference with the following revisions:

(1) Substitute "Executive Secretary" for "Regional Administrator" or "Administrator," except in the following cases:

(i) In the actual definitions of "Administrator" and "Regional Administrator;" and

(ii) In the definitions of "hazardous waste constituent" and "industrial furnace" where "Board" shall be substituted.

(2) Insert in the definition of "existing tank system" or "existing component" the following additional phrase after "July 14, 1986," "or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of R315. A non-HSWA existing tank system or non-HSWA tank component is one which does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1."

(3) Insert in the definition of "new tank system" or "new tank component" the following additional phrase after "July 14, 1986," "or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of R315; except, however, for purposes of 40 CFR 265.193(g)(2) and 40 CFR 264.193(g)(2), a new tank system is one which construction commences after July 14, 1986. A non-HSWA new tank system or non-HSWA new tank component is one which does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1."

(c) The terms defined in 40 CFR 261.1(c), 1997 ed., are adopted and incorporated by reference.

(d) For purposes of R315-3 regarding application and permit procedures for hazardous waste facilities, the terms defined in 40 CFR 270.2, 1999 ed., are adopted and incorporated by reference with the following revisions:

(1) "Permit" means the plan approval as required by subsection 19-6-108(3)(a), or equivalent control document issued by the Executive Secretary to implement the requirements of the Utah Solid and Hazardous Waste Act;

(2) "Director" or "State Director" means "Executive Secretary;" and

(3) Replace existing definition of "corrective action management unit" with the definition as found in 40 CFR 260.10, 2000 ed.

(e) The definitions of "Polychlorinated biphenyl, PCB," and "Polychlorinated item" as found in 761.3, 40 CFR, 1990 ed., are adopted and incorporated by reference.

(f) In addition, the following terms are defined as follows:

(1) "Approved hazardous waste management facility" or "approved facility" means a hazardous waste treatment, storage, or disposal facility which has received an EPA permit in accordance with federal requirements, has been approved under 19-6-108 and R315-3, or has been permitted or approved under any other EPA authorized hazardous waste state program.

(2) "Division" means the Division of Solid and Hazardous Waste.

(3) "Hazard class" means:

(i) The DOT hazard class identified in 49 CFR 172; and

(ii) If the DOT hazard class is "OTHER REGULATED MATERIAL," ORM, the EPA hazardous waste characteristic exhibited by the waste and identified in R315-2-9.

(4) "Monitoring" means all procedures used to systematically inspect and collect data on operational parameters of the facility or on the quality of the air, ground water, surface water, or soils.

(5) "POHC's" means principle organic hazardous constituents.

(6) "Permittee" means any person who has received an approval of a hazardous waste operation plan under 19-6-108 and R315-3 or a Federal RCRA permit for a treatment, storage, or disposal facility.

(7) "Precipitation run-off" means water generated from naturally occurring storm events. If the precipitation run-off has been in contact with a waste defined in R315-2-9, it qualifies as "precipitation run-off" if the water does not exhibit any of the characteristics identified in R315-2-9. If the precipitation run-off has been in contact with a waste listed in R315-2-10 or R315-2-11, then it qualifies as "precipitation run-off" when the water has been excluded under R315-2-16. Water containing any leachate does not qualify as "precipitation run-off".

(8) "Spill" means the accidental discharging, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes, into or on any land or water.

(9) "Waste management area" means the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(g) Terms used in R315-15 are defined in sections 19-6-703 and 19-6-706(2)(b)(ii).

(h) For purposes of R315-101 regarding cleanup action and risk-based closure standards, the following terms are defined as follows:

(1) "The concentration term, C" is calculated as the 95% upper confidence limit, UCL, on the arithmetic average for normally distributed data, or as the 95% upper confidence limit on the arithmetic average for lognormally distributed data. For normally distributed data, $C = \text{Mean} + t \times \text{Standard Deviation}/n^{1/2}$, where n is the number of observations, and t is Student's t distribution (at the 95% one-sided confidence level and n-1 degrees of freedom), tables of which are printed in most introductory

statistics textbooks. For lognormally distributed data, $C = \exp(\text{Mean of lognormal-transformed data} + 0.5 \times \text{Variance of lognormal-transformed data} + \text{Standard Deviation of lognormal-transformed data} \times H/(n - 1)^{1/2})$, where n is the number of observations, and H is Land's H statistic (at the 95% one-sided confidence level), tables of which are printed in advanced statistics books. For data which are not normally nor lognormally distributed, appropriate statistics, such as nonparametric confidence limits, shall be applied.

(2) "Area of contamination" means a hazardous waste management unit or an area where a release has occurred. The boundary is defined as the furthest extent where contamination from a defined source has migrated in any medium at the time the release is first identified.

(3) "Contaminate" means to render a medium polluted through the introduction of hazardous waste or hazardous constituents as identified in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII.

(4) "Hazard index" means the sum of more than one hazard quotient for multiple substances, multiple exposure pathways, or both. The Hazard Index is calculated separately for chronic, subchronic, and shorter duration exposures.

(5) "Hazard quotient" means the ratio of a single substance exposure level over a specified time period, e.g. subchronic, to a reference dose for that substance derived from a similar exposure period.

(6) "Risk-based closure" means closure of a site where hazardous waste was managed or any medium has been contaminated by a release of hazardous waste or hazardous constituents, and where hazardous waste or hazardous constituents remain at the site in any medium at concentrations determined, under this rule, to cause minimal levels of risk to human health and the environment so as to require no further action or monitoring on the part of the responsible party nor any notice of hazardous waste management on the deed to the property.

(7) "Reasonable maximum exposure (RME)" means the highest exposure that is reasonably expected to occur at a site. The goal of RME is to combine upper-bound and mid-range exposure factors so that the result represents an exposure scenario that is both protective and reasonable; not the worst possible case.

(8) "Release" means spill or discharge of hazardous waste, hazardous constituents, or material that becomes hazardous waste when released to the environment.

(9) "Responsible party" means the owner or operator of a facility, or any other person responsible for the release of hazardous waste or hazardous constituents.

(10) "Site" means the area of contamination and any other area that could be impacted by the released contaminants, or could influence the migration of those contaminants, regardless of whether the site is owned by the responsible party.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment: ~~January 15, 2009~~

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

**Environmental Quality, Solid and
Hazardous Waste
R315-2
General Requirements - Identification
and Listing of Hazardous Waste**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32967

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This proposed rule change amends an existing exclusion to the definition of solid waste that applies to oil-bearing hazardous secondary materials generated at a petroleum refinery when these materials are recycled by inserting them back into the petroleum refining process and certain other conditions are met. This rule change expands the exclusion from the definition of solid waste of fuels to include certain hazardous secondary materials called "emission comparable fuel". Finally, this rule change establishes an alternative set of generator requirements applicable to laboratories owned by eligible academic entities and addresses the specific nature of hazardous waste generation and accumulation in these laboratories.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates 40 CFR 261.38, published by Office of the Federal Register National Archives and Records Administration, 07/01/2009

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no additional costs or savings for state agencies beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

- ◆ LOCAL GOVERNMENTS: There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ SMALL BUSINESSES: There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no additional costs or savings beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-2. General Requirements - Identification and Listing of Hazardous Waste.
R315-2-4. Exclusions.
 (a) MATERIALS WHICH ARE NOT SOLID WASTES.

The following materials are not solid wastes for the purpose of this rule:

(1) Domestic sewage or any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

.....

(12)(i) Oil-bearing hazardous secondary materials, i.e., sludges, byproducts, or spent materials, that are generated at a petroleum refinery, SIC code 2911, and are inserted into the petroleum refining process, SIC code 2911 - including distillation, catalytic cracking, fractionation, gasification (as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10), or thermal cracking units, i.e., cokers, unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph, provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in R315-2-4(a)(12)(ii), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry, i.e., from sources other than petroleum refineries, are not excluded under R315-2-4. Residuals generated from processing or recycling materials excluded under this paragraph (a)(12)(i), where such materials as generated would have otherwise met a listing under R315-2-10, R315-2-11, R315-2-24, and R315-2-26, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in R315-2-4(a)(12)(i). Recovered oil is oil that has been reclaimed from secondary materials, including wastewater, generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5152.) Recovered oil does not include oil-bearing hazardous wastes listed in R315-2-10, R315-2-11, R315-2-24, and R315-2-26; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in 19-6-703(19).

(13) Excluded scrap metal, processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal, being recycled.

(14) Shredded circuit boards being recycled provided that they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays, and nickel-cadmium batteries and lithium batteries.

(15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(16) Comparable fuels, emission-comparable fuels, or comparable syngas fuels[, i.e., comparable/syngas fuels,] that meet

the requirements of R315-2-26, which incorporates by reference 40 CFR 261.38.

(17) Spent materials as defined in R315-1-1(c), which incorporates by reference 40 CFR 261.1, other than hazardous wastes listed in R315-2-10, 2-11, and 2-26 (which incorporate by reference 40 CFR 261 Subpart D), and R315-2-24, generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or by beneficiation, provided that:

(i) The spent material is legitimately recycled to recover minerals, acids, cyanide, water or other values;

(ii) The spent material is not accumulated speculatively;

(iii) Except as provided in R315-2-4(a)(17)(iv), the spent material is stored in tanks, containers, or buildings meeting the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support, except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion, and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment as defined R315-1-1(b), which incorporates by reference 40 CFR 260.10, and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If tanks or containers contain any particulate which may be subject to wind dispersal, the owner/operator must operate these units in a manner which controls fugitive dust. Tanks, containers, and buildings must be designed, constructed and operated to prevent significant releases to the environment of these materials.

(iv) The Executive Secretary may make a site-specific determination, after public review and comment, that only solid mineral processing spent materials may be placed on pads, rather than in tanks, containers, or buildings. Solid mineral processing spent materials do not contain any free liquid. The Executive Secretary must affirm that pads are designed, constructed and operated to prevent significant releases of the secondary material into the environment. Pads must provide the same degree of containment afforded by the non-RCRA tanks, containers and buildings eligible for exclusion.

(A) The Executive Secretary must also consider if storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, air exposure pathways are: the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway, and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

(B) Pads must meet the following minimum standards: be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material, capable of withstanding physical stresses associated with placement and removal, have run on/runoff controls, be operated in a manner which controls fugitive dust, and have integrity assurance through inspections and maintenance programs.

(C) Before making a determination under this paragraph, the Executive Secretary must provide notice and the opportunity for

comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

(v) The owner or operator provides notice to the Executive Secretary, providing the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

(vi) For purposes of R315-2-4(a)(7), mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

(vii) R315-2-4(a)(16) becomes effective July 1, 1999.

.....

R315-2-26. Comparable/Syngas Fuel Exclusion.

The requirements of 40 CFR 261.38, [2004]2009 ed., are adopted and incorporated by reference with the following exception:

Substitute "Executive Secretary" for all references made to "Director".

KEY: hazardous wastes

Date of Enactment or Last Substantive Amendment: [January 15,]2009

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

Environmental Quality, Solid and
Hazardous Waste
R315-5
Hazardous Waste Generator
Requirements

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 32968
FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This proposed rule change establishes an alternative set of generator requirements applicable to laboratories owned by eligible academic entities that address the specific nature of hazardous waste generation and accumulation in these laboratories. The proposed change also requires that manifests provide all information that federal regulations require manifests to contain.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds 40 CFR 262.200-216, published by Office of the Federal Register National Archives and Records Administration, 07/01/2009

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no additional costs or savings for the state government beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **LOCAL GOVERNMENTS:** There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **SMALL BUSINESSES:** There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no additional costs or savings for persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.

R315-5. Hazardous Waste Generator Requirements.

R315-5-1. General.

1.10 PURPOSE, SCOPE, AND APPLICABILITY.

(a) R315-5 establishes standards for generators of hazardous waste.

(b) R315-2-5, which incorporates by reference, 40 CFR 261.5(c) and (d), must be used to determine the applicability of provisions of R315-5 that are dependent on calculations of the quantity of hazardous waste generated per month.

(c) A generator who treats, stores, or disposes of hazardous waste on-site shall only comply with the following sections of this rule with respect to that waste: R315-5-1.11, which incorporates by reference 40 CFR 262.11, for determining whether or not he has a hazardous waste, R315-5-1.12 for obtaining an EPA identification number, R315-5-3.34 for accumulation of hazardous waste, R315-5-4.40(c) and (d) for recordkeeping, R315-5-4.43 for additional reporting, and if applicable, R315-5-7 for farmers.

(d) Any person who exports or imports hazardous waste as identified in R315-5-8, which incorporates by reference 40 CFR 262.80(a), and is subject to the manifesting requirements of R315-5, or subject to the universal waste management standards as found in R315-16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315-5-5 incorporates by reference, for recovery shall comply with R315-5-8, which incorporates by reference 40 CFR 262 subpart H.

(e) Any person who imports hazardous waste into the United States shall comply with the standards applicable to generators established in R315-5.

(f) A farmer who generates waste pesticides which are hazardous wastes and who complies with all the requirements of R315-5-7 is not required to comply with other standards in this rule or R315-3, R315-7, R315-8, or R315-13, which incorporates by reference 40 CFR 268, with respect to these pesticides.

(g) A person who generates a hazardous waste as defined by R315-2 is subject to the compliance requirements and penalties prescribed in The Utah Solid and Hazardous Waste Act if he does not comply with the requirements of this rule.

A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in R315-3, R315-7, and R315-8.

(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in R315-5.

The provisions of R315-5-3.34, which incorporates by reference 40 CFR 262.34, are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of R315-5-3.34, which incorporates by reference 40 CFR 262.34, only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in R315-3, R315-7, R315-8, R315-13, which incorporates by reference 40 CFR 268, and R315-14.

(i) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of R315-5-9, which incorporates by reference 40 CFR 262.200 - 262.216, are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in 40 CFR 262.200):

(1) The requirements of R315-5-1.11 or R315-5-3.34, which incorporates by reference 40 CFR 262.34(c), for large quantity generators and small quantity generators, except as provided in R315-5-9, which incorporates by reference 40 CFR 262.200 - 216, and

(2) The conditions of R315-2-5, which incorporates by reference 40 CFR 261.5(b), for conditionally exempt small quantity generators, except as provided in R315-5-9, which incorporates by reference 40 CFR 262.200 - 216.

1.11 HAZARDOUS WASTE DETERMINATION

The requirements of 40 CFR 262.11, 1994 ed., as amended by 60 FR 25540, May 11, 1995, are adopted and incorporated by reference with the following exception:

Substitute "Board" for all federal regulation references made to "Administrator".

1.12 EPA IDENTIFICATION NUMBERS

(a) A generator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Executive Secretary.

(b) A generator who has not received an EPA identification number may obtain one by applying to the Executive Secretary using EPA form 8700-12. Upon receiving the request the Executive Secretary will assign an EPA identification number to the generator.

(c) A generator shall not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that do not have an EPA identification number.

R315-5-2. The Manifest.

A sample hazardous waste manifest form containing information required pursuant to these rules is found in the Appendix to 40 CFR 262. All applicable sections of each manifest shall be completely and legibly filled out.

2.20 GENERAL REQUIREMENTS

(a)[(+)] A generator who transports, or offers for transportation, a hazardous waste for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility who offers for transport a rejected hazardous waste load shall prepare a Manifest OMB control number 2050-0039 on EPA form 8700-22, and, if necessary, EPA form 8700-22A[~~—according to the instructions, including the additional information requirements, found in R315-50-1, which incorporates by reference].~~ The requirements of 40 CFR 262, Appendix, 2009 ed., are adopted and incorporated by reference with the following exception: substitute "Executive Secretary" for all federal regulation references made to "Regional Administrator."

~~[(2) The revised Manifest form and procedures in R315-1-1(b), which incorporates by reference 40 CFR 260.10, R315-2-7, R315-5-2.20, 21, 27, R315-5-3.32, 33, 34, which incorporates by reference 40 CFR 262.34, R315-5-5, which incorporates by reference 40 CFR 262.54, R315-5-6, which incorporates by reference 40 CFR 262.60, and R315-50-1, which incorporates by reference 40 CFR 262 Appendix, shall not apply until September 5, 2006. The manifest form and procedures in R315-1-1(b), which incorporates by reference 40 CFR 260.10, R315-2-7, R315-5-2.20, 21, R315-5-3.32, 33, 34, which incorporates by reference 40 CFR 262.34, R315-5-5, which incorporates by reference 40 CFR 262.54, R315-5-6, which incorporates by reference 40 CFR 262.60, and R315-50-1, which incorporates by reference 40 CFR 262 Appendix, contained in the R315-1 to 8, edition revised as of September 15, 2004 shall be applicable until September 5, 2006.~~

_____](b) A generator shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(e) These manifest requirements do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:

(1) The waste is reclaimed under a contractual agreement pursuant to which:

(i) The type of waste and frequency of shipments are specified in the agreement;

(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

(2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

(f) The requirements of R315-5-2 and R315-5-3.32(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding R315-6-1.10(a), the generator or transporter shall

comply with the requirements for transporters set forth in R315-9-1 and R315-9-3 in the event of a discharge of hazardous waste on a public or private right-of-way.

2.21 MANIFEST TRACKING NUMBERS, MANIFEST PRINTING, AND OBTAINING MANIFESTS

The requirements of 40 CFR 262.21, 2005 ed., are adopted and incorporated by reference.

2.22 NUMBER OF COPIES

The manifest shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

2.23 USE OF THE MANIFEST

(a) The generator shall:

- (1) Sign the manifest certification by hand; and
 - (2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - (3) Retain one copy, in accordance with R315-5-4.40(a).
- (b) The generator shall give the transporter the remaining copies of the manifest.

(c) Hazardous wastes to be shipped within Utah solely by water (bulk shipments only) require that the generator send three copies of the manifest dated and signed in accordance with this section to the owner and operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(d) For rail shipments of the hazardous wastes within Utah which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:

- (1) The next non-rail transporter, if any; or
- (2) The designated facility if transported solely by rail; or
- (3) The last rail transporter to handle the waste in the United States if exported by rail.

(e) The generator shall include on the manifest a description of the hazardous waste(s) as set forth in the regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203.

(f) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained federal authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

2.27 WASTE MINIMIZATION CERTIFICATION

A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or

(b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best

waste management method that is available to me and that I can afford."

R315-5-9. Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities.

The requirements of 40 CFR 262 subpart K, 262.200 - 262.216, 2009 ed., are adopted and incorporated by reference with the following exception:

substitute "Executive Secretary" for all references made to "Regional Administrator."

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment: ~~December 1, 2006~~ 2009

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

Environmental Quality, Solid and Hazardous Waste

R315-8

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32969

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This rule change clarifies compliance monitoring provisions and corrects typographical errors and omissions from a previous rule published by EPA in the Federal Register on 10/12/2005.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no additional costs or savings for the state budget beyond those associated with implementing and complying with the federal hazardous

waste regulations previously promulgated by EPA and which are part of this proposed rule change.

♦ LOCAL GOVERNMENTS: There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

♦ SMALL BUSINESSES: There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no additional costs or savings for other persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-8. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

R315-8-6. Groundwater Protection.

6.1 APPLICABILITY

(a)(1) Except as provided in R315-8-6.1(b), R315-8-6 applies to owners or operators of facilities that treat, store or dispose of hazardous waste. The owner or operator shall satisfy the requirements identified in R315-8-6.1(a)(2) for all wastes, or constituents thereof, contained in solid waste management units at the facility, regardless of the time at which waste was placed in the units.

(2) All solid waste management units shall comply with the requirements in R315-8-6.12. A surface impoundment, waste pile, and land treatment unit or landfill that receives hazardous waste after July 26, 1982, hereinafter referred to as a "regulated unit", shall comply with the requirements of R315-8-6.2 through R315-8-6.11 in lieu of R315-8-6.12 for purposes of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of R315-8-6.12 apply to regulated units.

(3) Groundwater monitoring shall be required at non-land disposal facilities as determined to be necessary and appropriate by the Executive Secretary.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under R315-8-6 if:

(1) The owner or operator is exempted under R315-8-1(e) or

(2) He operates a unit which the Board finds:

(i) Is an engineered structure.

(ii) Does not receive or contain liquid waste or waste containing free liquid.

(iii) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off.

(iv) Has both inner and outer layers of containment enclosing the waste.

(v) Has a leak detection system built into each containment layer.

(vi) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods, and

(vii) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.

(3) The Board finds pursuant to R315-8-13.11(d) that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of R315-8-13.9 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this subpart during the post-closure care period; or

(4) The Board finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit, including the closure period and the post-closure care period specified under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120. This

demonstration shall be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration.

(5) He designs and operates a waste pile in compliance with R315-8-12.1(c).

(c) The regulations under this section apply during the active life of the regulated unit, including the closure period. After closure of the regulated unit, the regulations in this section:

(1) Do not apply if the waste, waste residues, contaminated containment system components, and contaminated soils are removed or decontaminated at closure;

(2) Apply during the post-closure care period under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264-120, if the owner or operator is conducting a detection monitoring program under R315-8-6.9;

(3) Apply during the compliance period under R315-8-6.7 the owner is conducting a compliance monitoring program under R315-8-6.10 or a corrective action program under R315-8-6.11.

(d) Requirements in this section may apply to miscellaneous units when necessary to comply with R315-8-24, which incorporates by reference 40 CFR 264.601 - 264.603.

(e) The regulations of R315-8-6 apply to all owners and operators subject to the requirements of R315-3-1.1(e)(7), when the Executive Secretary issues either a post-closure permit or an enforceable document, as defined in R315-3-1.1(e)(7), at the facility. When the Executive Secretary issues an enforceable document, references in R315-8-6 to "in the permit" mean "in the enforceable document."

(f) The Executive Secretary may replace all or part of the requirements of R315-8-6.2 through R315-8-6.11 applying to a regulated unit with alternative requirements for groundwater monitoring and corrective action for releases to groundwater set out in the permit, or in an enforceable document, as defined in R315-3-1.1(e)(7) where the Executive Secretary determines that:

(1) The regulated unit is situated among solid waste management units, or areas of concern, a release has occurred, and both the regulated unit and one or more solid waste management unit(s), or areas of concern, are likely to have contributed to the release; and

(2) It is not necessary to apply the groundwater monitoring and corrective action requirements of R315-8-6.2 through R315-8-6.11 because alternative requirements will protect human health and the environment.

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6.10 COMPLIANCE MONITORING PROGRAM

An owner or operator required to establish a compliance monitoring program under this section shall, at a minimum, discharge the following responsibilities:

(a) The owner or operator shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under R315-8-6.3. The Executive Secretary will specify the groundwater protection standard in the facility permit including:

(1) A list of the hazardous constituents identified under R315-8-6.4;

(2) Concentration limits under R315-8-6.5 for each of those hazardous constituents;

(3) The compliance point under R315-8-6.6;

(4) The compliance period under R315-8-6.7.

(b) The owner or operator shall install a groundwater monitoring system at the compliance point as specified under R315-8-6.6. The groundwater monitoring system shall comply with R315-8-6.8(a)(2), (b) and (c).

(c) The Executive Secretary will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with R315-8-6.8(g) and (h).

(1) The owner or operator shall conduct a sampling program for each chemical parameter or hazardous waste constituent in accordance with R315-8-6.8(g).

(2) The owner or operator shall record groundwater analytical data as measured and in form necessary for the determination of statistical significance under R315-8-6.8(h) for the compliance period of the facility.

(d) The owner or operator shall determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to R315-8-6.10(a), at a frequency specified under R315-8-6.10(f).

(1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator shall use the method specified in the permit under R315-8-6.5. The method shall compare data collected at the compliance point to a concentration limit developed in accordance with R315-8-6.8(h).

(2) The owner or operator shall determine whether there is statistically significant evidence of increase contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The Executive Secretary will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

(e) The owner or operator shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

(f) The Executive Secretary will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with R315-8-6.8(g). [~~A sequence of at least four samples from each well, background and compliance wells, shall be collected at least semi-annually during the compliance period of the facility.~~]

(g) The owner or operator shall analyze samples from all monitoring wells at the compliance point for all constituents contained in R315-50-14, which incorporates by reference 40 CFR, Appendix IX, at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in R315-8-6.9(f). If the owner or operator finds R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, constituents in the groundwater that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, analysis. If the second

analysis confirms the presence of new constituents, the owner or operator shall report the concentration of these additional constituents to the Executive Secretary within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he shall report the concentrations of these additional constituents to the Executive Secretary within seven days after completion of the initial analysis and add them to the monitoring list.

(h) If the owner or operator determines pursuant to R315-8-6.10(d) that any concentration limits under R315-8-6.5 are being exceeded at any monitoring well at the point of compliance he shall:

(1) Notify the Executive Secretary of this finding in writing within seven days. The notification shall indicate which concentration limits have been exceeded;

(2) Submit to the Executive Secretary an application for a permit modification to establish a corrective action program meeting the requirements of R315-8-6.11, within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Executive Secretary under R315-8-6.9(h)(5). The application shall at a minimum include the following information:

(i) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under R315-8-6.10(a); and

(ii) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. The groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

(i) If the owner or operator determines, pursuant to R315-8-6.10(d), that the groundwater concentration limits under R315-8-6.10 are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under R315-8-6.10(i), the owner or operator shall:

(1) Notify the Executive Secretary in writing within seven days that he intends to make a demonstration under R315-8-6.10(i);

(2) Within 90 days, submit a report to the Executive Secretary which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(3) Within 90 days, submit to the Executive Secretary an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

(4) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he shall within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

.....

R315-8-7. Closure and Post Closure.

The requirements as found in 40 CFR subpart G, 264.110 - 264.120, 1998 ed., as amended by 63 FR 56710, October 22, 1998, are incorporated by reference with the following exceptions:

(a) substitute "[Board]Executive Secretary" for all references made to "Regional Administrator" [~~except in 264.112 where "Regional Administrator" and "Director" means "Executive Secretary"~~].

(b) substitute R315-3 for all general reference made to 40 CFR 124 and 270.

(c) substitute "The Utah Solid and Hazardous Waste Act" for all references made to the "Resource Conservation and Recovery Act" or "RCRA."

R315-8-15. Incinerators.

15.1 APPLICABILITY

(a) The rules in this section apply to owners or operators of facilities that incinerate hazardous waste, as defined in 40 CFR 260.10, except as R315-8-1 provides otherwise.

(b) Integration of the MACT standards.

(1) Except as provided by R315-8-15.1(b)(2), (3), and (4) the standards of R315-8 do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Executive Secretary a Notification of Compliance under R307-214-2, which incorporates by reference 40 CFR 63.1207(j) and 63.1210([b]d), documenting compliance with the requirements of 307-214-2, which incorporates by reference 40 CFR 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, hazardous waste permit conditions that were based on the standards of R315-8 will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(2) The MACT standards do not replace the closure requirements of R315-8-15.8 or the applicable requirements of R315-8-1 through R315-8-8, R315-8-18, which incorporates by reference 40 CFR 264 subpart BB, and R315-8-22, which incorporates by reference 40 CFR 264 subpart CC.

(3) The particulate matter standard of R315-8-15.4(b) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of R307-214-2, which incorporates by reference [tø] 40 CFR 63.1206(b)(14) and 63.1219(e).

(4) The following requirements remain in effect for startup, shutdown, and malfunction events if you elect to comply with R315-3-9(a)(1)(i) to minimize emissions of toxic compounds from these events:

(i) R315-8-15.6(a) requiring that an incinerator operate in accordance with operating requirements specified in the permit; and

(ii) R315-8-15.6(c) requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

(c) After consideration of the waste analysis included with part B of the permit application, the Executive Secretary, in establishing the permit conditions, shall exempt the applicant from all requirements of this section except R315-8-15.2, Waste Analysis and R315-8-15.8, Closure,

(1) If the Executive Secretary finds that the waste to be burned is:

(i) Listed as a hazardous waste in R315-2-10 or R315-2-11 solely because it is ignitable, Hazard Code I, corrosive Hazard Code C, or both; or

(ii) Listed as a hazardous waste in R315-2-10 or R315-2-11 solely because it is reactive, Hazard Code R, for characteristics other than those listed in R315-2-9(f)(1)(iv) and (v), and will not be burned when other hazardous wastes are present in the combustion zone; or

(iii) A hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the test for characteristics of hazardous wastes under R315-2-9, or

(iv) A hazardous waste solely because it possesses any of the reactivity characteristics described by R315-2-9(f)(1)(i), (ii), (iii), (vi), (vii), and (viii) and will not be burned when other hazardous wastes are present in the combustion zone; and

(2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, which could reasonably be expected to be in the waste.

(d) If the waste to be burned is one which is described by R315-8-15.1(c)(1)(i), (ii), (iii), or (iv) and contains insignificant concentrations of the hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, then the Executive Secretary may, in establishing permit conditions, exempt the applicant from all requirements of this section except R315-8-15.2, Waste analysis and R315-8-15.8, Closure, after consideration of the waste analysis included with part B of the permit application, unless the Executive Secretary finds that the waste will pose a threat to human health and the environment when burned in an incinerator.

(e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of R315-3-6.3.

.....

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment:
~~[December 1, 2006]~~2009

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105;
 19-6-106

**Environmental Quality, Solid and
 Hazardous Waste
 R315-13-1
 Land Disposal Restrictions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32970

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This rule change defers the requirements that polychlorinated biphenyls (PCBs) be considered a constituent subject to treatment (CST) when they are present in soils that exhibit the Toxicity Characteristic for metals. Generators are still required to treat contaminated soils to meet land disposal restrictions (LDR) standards for all hazardous constituents except PCBs. Generators also are required to treat PCBs if the total concentration of halogenated organic compounds in the soil equals or exceeds 1,000 parts per million.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates 40 CFR 268, published by Office of the Federal Register Archives and Records Administration, 07/01/2001

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no additional costs or savings for the state budget beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.
- ◆ **LOCAL GOVERNMENTS:** There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

♦ **SMALL BUSINESSES:** There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no additional costs or savings for other persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.

R315-13. Land Disposal Restrictions.

R315-13-1. Land Disposal Restrictions.

The requirements as found in 40 CFR 268, 200[0]1 ed., as amended by 65 FR 67068, November 8, 2000; 65 FR 81373, December 26, 2000; 66 FR 27266, May 16, 2001; 66 FR 58258, November 20, 2001; 67 FR 17119, April 9, 2002; 67 FR 62618, October 7, 2002; 67 FR 48393, July 24, 2002; and 70 FR 9138, February 24, 2005, are adopted and incorporated by reference including Appendices III, IV, VI, VII, VIII, IX, and XI, with the

exclusion of Sections 268.5, 268.6, 268.42(b), and 268.44(a) - (g) and with the following exceptions:

(a) Substitute "Board" for all federal regulation references made to "Administrator" or "Regional Administrator" except for 40 CFR 268.40(b).

(b) All references made to "EPA Hazardous Waste Number" will include P999, and F999.

(c) Substitute Utah Code Annotated, Title 19, Chapter 6 for all references to RCRA.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment:
~~December 1, 2006~~ 2009

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-106; 19-6-105

Environmental Quality, Solid and Hazardous Waste

R315-14-7

Hazardous Waste Burned in Boilers and Industrial Furnaces

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32971

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This rule change clarifies several compliance and monitoring provisions. It also corrects several omissions and typographical errors in amendments EPA made to the national emission standards for hazardous air pollutants for hazardous waste combustors which were promulgated on 10/12/2005.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106

MATERIALS INCORPORATED BY REFERENCES:

- ♦ Updates 40 CFR 266.100-112, published by Office of the Federal Register National Archives and Records Administration, 07/01/2008

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no additional costs or savings for the state budget beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

◆ **LOCAL GOVERNMENTS:** There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

◆ **SMALL BUSINESSES:** There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no additional costs or savings for other persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

**R315. Environmental Quality, Solid and Hazardous Waste.
R315-14. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.**

R315-14-7. Hazardous Waste Burned in Boilers and Industrial Furnaces.

The requirements as found in 40 CFR 266, Subpart H, 266.100 - 266.112, [2002]2008 ed., are adopted and incorporated by reference.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment:
~~December 1, 2006~~2009

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

Environmental Quality, Solid and Hazardous Waste

R315-50-1

Instructions for Completion of Uniform Hazardous Waste Manifest

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32972

FILED: 09/14/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment adopts equivalent federal regulations to maintain equivalency with the U.S. Environmental Protection Agency (EPA).

SUMMARY OF THE RULE OR CHANGE: This rule change eliminates instructions for completion of a manifest form. The requirements for this information are now incorporated by reference from the federal regulations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 40 CFR 271.21(e) and Section 19-6-105 and Section 19-6-106 and Section 19-6-108

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no additional costs or savings for the state budget beyond those associated with implementing and complying with the federal hazardous

waste regulations previously promulgated by EPA and which are part of this proposed rule change.

◆ LOCAL GOVERNMENTS: There are no additional costs or savings for local governments beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

◆ SMALL BUSINESSES: There are no additional costs or savings for small businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no additional costs or savings for other persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional costs or savings for affected persons beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional costs or savings for businesses beyond those associated with implementing and complying with the federal hazardous waste regulations previously promulgated by EPA and which are part of this proposed rule change.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Susan Toronto by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.

R315-50. Appendices.

R315-50-1. ~~[Instructions for Completion of Uniform Hazardous Waste Manifest.]Reserved.~~

~~[The requirements of the Appendix to Part 262 of 40 CFR, Uniform Hazardous Waste Manifest, 2005 ed., are adopted and incorporated by reference with the following additional requirements:~~

~~_____ (a) Generators and owners and operators shall complete the following additional items of the manifest form:~~

~~_____ (1) Item D. Transporter's phone~~

~~_____ Enter the phone number of the first transporter who will transport the waste:~~

~~_____ (2) Item F. Transporter's phone~~

~~_____ If applicable, enter the phone number of the second transporter who will transport the waste:~~

~~_____ (3) Item H. Facility's phone~~

~~_____ Enter the phone number of the facility designated to receive the waste listed on the manifest.~~

~~_____ (4) Item I. Waste number~~

~~_____ Enter the 4-digit EPA Hazardous Waste number assigned to the waste. If the waste is a mixture, include all EPA Hazardous Waste numbers for the wastes known to be present, regardless of the quantity of each individual waste component.~~

~~_____ (5) Item J. Additional Descriptions for Materials Listed Above~~

~~_____ If the DOT shipping description in item 11, a, b, c, d, of the manifest form contains only NOS or other general term, the hazardous waste constituent(s) must be provided here for each. The specific gravity is assumed to be one (1.00) unless otherwise indicated here:~~

~~_____ (6) Item O. Transporter's phone~~

~~_____ Refer to Item D~~

~~_____ (7) Item Q. Transporter's phone~~

~~_____ Refer to Item F~~

~~_____ (8) Item R. Waste number~~

~~_____ Refer to Item I~~

~~_____ (9) Item S. Additional Descriptions for Materials Listed Above~~

~~_____ Refer to Item J]Reserved.~~

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment:
~~[December 1, 2006]~~2009

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-106;
 19-6-108; 19-6-105

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-31-3** Program Access Requirements

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 32977
FILED: 09/15/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify physician certification requirements for inpatient psychiatric services.

SUMMARY OF THE RULE OR CHANGE: This change removes the word "or" to clarify that a physician must certify a recipient's need for inpatient treatment under the direction of a physician.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this change only clarifies ongoing certification requirements for inpatient psychiatric services.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not fund or provide psychiatric services for Medicaid clients.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because this change only clarifies ongoing certification requirements for inpatient psychiatric services.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to persons other than small businesses, businesses, or local government entities because this change only clarifies ongoing certification requirements for inpatient psychiatric services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single person or entity because this change only clarifies ongoing certification requirements for inpatient psychiatric services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact. Physician certification for this service has always been required and the rule change does not change that requirement.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
◆

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: David Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-31. Inpatient Psychiatric Services for Individuals Under Age 21.

R414-31-3. Program Access Requirements.

(1) Before admission for inpatient psychiatric services or before authorization for Medicaid payment, a facility physician must make a medical evaluation of the recipient's need for care in the hospital and certify that inpatient services are needed.

(2) The certification must document that:

(a) ambulatory care resources available in the community do not meet the treatment needs of the recipient;

(b) proper treatment of the recipient's psychiatric condition requires services on an inpatient basis [or] under the direction of a physician; and

(c) the services can reasonably be expected to improve the recipient's condition or prevent further regression so that services will no longer be needed.

(3) The Bureau of Health Facility Licensing, Certification and Resident Assessment, within the Division of Health Systems Improvement, under the Department of Health, reviews the medical evaluation and certification and determines that the client meets certification of need requirements.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~June 15, 2005~~ 2009

Notice of Continuation: October 6, 2004

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

Human Services, Child and Family
Services
R512-302
Out-of-Home Services, Responsibilities
Pertaining to an Out-of-Home
Caregiver

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 32942
FILED: 09/03/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to omit the reference to the Foster Care Citizen Review Board per H.B. 63 from the 2009 Legislative General Session, and makes other changes to bring the rule in line with current practice. (DAR NOTE: H.B. 63 (2009) is found at Chapter 161, Laws of Utah 2009, and was effective 05/12/2009.)

SUMMARY OF THE RULE OR CHANGE: The proposed changes to this rule delete the reference to the Foster Care Citizen Review Board, make minor formatting and punctuation changes, and reflect that staff designated by the Department of Human Services or law enforcement will perform investigations of any reports or allegations of abuse or neglect of a child in Out-of-Home Care.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Pub. L. No. 109-248 and Section 62A-4a-102 and Section 62A-4a-105 and Section 78A-6-308

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates 42 USC 672, published by U.S. Code Online via GPO Access, 11/03/2007

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There will be no increase in costs or savings to the state budget because it was determined that these proposed changes clarify practice, but do not increase workload that would require additional staff or other costs.
- ◆ LOCAL GOVERNMENTS: There will be no increase in costs or savings to local government because it was determined that this rule does not apply to local government.
- ◆ SMALL BUSINESSES: There will be no increase in costs or savings to small businesses because it was determined that this rule does not apply to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no increase in costs or savings to persons other than small businesses, businesses, or local government entities because it was determined that this rule does not

apply to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons associated with implementing the changes to this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings on businesses.

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

HUMAN SERVICES
CHILD AND FAMILY SERVICES
ROOM 225
120 N 200 W
SALT LAKE CITY, UT 84103-1500
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Lisa-Michele Church, Executive Director

**R512. Human Services, Child and Family Services.
R512-302. Out-of-Home Services, Responsibilities Pertaining to an Out-of-Home Caregiver.**

R512-302-1. Purpose and Authority.

(1) The purposes of this rule are to clarify:
(a) Qualification, selection, payment criteria, and roles and responsibilities of a caregiver while a child is receiving Out-of-Home Services, and

(b) Roles and responsibilities of Child and Family Services to a caregiver for a child receiving Out-of-Home Services in accordance with Rule R512-300.

(2) This rule is authorized by Section 62A-4a-102. Sections 62A-4a-105 and 62A-4a-106 authorize Child and Family Services to provide Out-of-Home Services and 42 USC Section 672 authorizes federal foster care. 42 USC Section 672 (2007[6]), and 45 CFR Parts 1355 and 1356 (2008) are incorporated by reference.

R512-302-2. Definitions.

In addition to definitions in R512-300-2, the following terms are defined for the purposes of this rule:

(1) "Caregiver" means a licensed resource family, also known as a licensed foster family, and may also include a licensed kin provider or a foster family certified by a contract provider that is licensed as a child placing agency. Caregiver does not include a group home or residential facility that provides Out-of-Home Services under contract with Child and Family Services.

(2) "Cohabiting" means residing with another person and being involved in a sexual relationship.

(3) "Involved in a sexual relationship" means any sexual activity and conduct between persons.

(4) "Out-of-Home Services" means those services described in Rule R512-300.

(5) "Residing" means living in the same household on an uninterrupted or an intermittent basis.

R512-302-3. Qualifying as a Caregiver for a Child Receiving Out-of-Home Services.

(1) An individual or couple shall be licensed by the Office of Licensing as provided in Rule R501-12 to qualify as a caregiver for a child receiving Out-of-Home Services. After initial licensure, the caregiver shall take all steps necessary for timely licensure renewal to ensure that the license does not lapse.

(2) A caregiver qualifying for an initial license and any adults living in the home shall complete criminal background checks required by Section 78A-6-308 and P.L. 109-248 before a child in state custody may be placed in that home.

(3) Child and Family Services or the contract provider shall provide pre-service training required in Rule R501-12-5 after the provider has held an initial consultation with the individual or couple to clearly delineate duties of caregivers.

(4) The curriculum for pre-service and in-service training shall be developed by the contract provider and approved by Child and Family Services according to Child and Family Services' contract with the provider.

(5) Child and Family Services or the contract provider shall verify in writing a caregiver's completion of training required for licensure as provided in Rule R501-12-5.

(6) Child and Family Services or the contract provider shall also verify in writing a caregiver's completion of supplemental training required for serving children with more difficult needs.

(7) Once a license is issued, the caregiver's name and identifying information may be shared with the court, [a]Assistant [a]Attorney [g]General, [g]Guardian ad [h]Litem, foster parent training contract provider, resource family cluster group, foster parent associations, the Department of Health, [the Foster Care Citizen Review Board,] and the child's primary health care providers.

R512-302-5. Child and Family Services' Roles and Responsibilities to a Caregiver for a Child Receiving Out-of-Home Services.

(1) Child and Family Services shall actively seek the involvement of the caregiver in the child and family team process, including participation in the child and family team, completing an assessment, and developing the child and family plan as described in Rule R512-300-4.

(2) The child and family plan shall include steps for monitoring the placement and a plan for worker visitation and supports to the Out-of-Home caregiver for a child placed in Utah or out of state.

(3) In accordance with Section 62A-4a-205, additional weight and attention shall be given to the input of the child's caregiver in plan development.

(4) The caregiver shall be provided a copy of the completed child and family plan.

(5) The caregiver has a right to reasonable notice and may participate in court and administrative reviews for the child in accordance with [42 USC Section 475(5) and] Sections 78A-6-310 and 78A-6-317.

(6) Child and Family Services shall provide support to the caregiver to ensure that the child's needs are met, and to prevent unnecessary placement disruption.

(7) Options for temporary relief may include paid respite, non-paid respite, childcare, and babysitting.

(8) The worker shall provide the caregiver with a portable, permanent record that provides available educational, social, and medical history information for the child and that preserves vital information about the child's life events and activities while receiving Out-of-Home Services.

R512-302-8. Child Abuse Reporting and Investigation of a Caregiver Providing Out-of-Home Services.

(1) Investigation of any report or allegation of abuse or neglect of a child that allegedly occurs while the child is living with an Out-of-Home caregiver shall be investigated by [a contract agency]staff designated for this purpose by the Department of Human Services or law enforcement as provided in Section 62A-4a-202.3[5].

KEY: child welfare

Date of Enactment or Last Substantive Amendment: [September 9, 2004]2009

Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105; 63G-4-104; 78A-6-308; Pub. L. 109-248

**Human Services, Recovery Services
R527-3
Definitions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32953

FILED: 09/09/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add the authority and purpose to the rule and two new definitions back into the rule. This language was removed in another filing. (DAR NOTE: The proposed amendment to Rule R527-3 that removes the language is under DAR No. 32952 in this issue, October 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Section R527-3-1 was changed to the Authority and Purpose. The subsequent section was renumbered to Section R527-3-2 accordingly.

Two new definitions were added to Section R527-3-2 at Subsections R527-3-2(23) and (24).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-11-103 and Section 62A-11-303 and Section 62A-11-401 and Section 78B-14-102

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This rule has no impact on the state budget and the change to the rule does not create or cause an impact to the state.

◆ LOCAL GOVERNMENTS: Administrative rules of the Office of Recovery Services/Child Support Services (ORS/CSS) do not apply to local governments, because the rules primarily affect the internal procedures of the office. Therefore, there are no anticipated costs or savings for any local government due to this amendment.

◆ SMALL BUSINESSES: Because the rule primarily affects the internal procedures of the office, it does not or has never had any impact on small businesses. The change to the rule does not create or cause an impact to small business.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Because the rule primarily affects the internal procedures of the office, the rule has no impact on any person. The change to the rule does not create or cause an impact to any person.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule has no impact on any person and the change to the rule does not create or cause an impact to any person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has never had any impact on businesses and the change to the rule does not create or cause an impact to business.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Mark Brasher , Director

R527. Human Services, Recovery Services.

R527-3. Definitions.

R527-3-1. Authority and Purpose.

1. The Department of Human Services is authorized to create rules necessary for the provision of social services by Section 62A-1-111 and 62A-11-107.

2. The purpose of this rule is to identify the terms and definitions used by the Office of Recovery Services/Child Support Services not currently defined by law.

R527-3-2. Definitions.

1. Terms used in this title, R527, are defined in Section 62A-11-103, 62A-11-303, 62A-11-401, and 78B-14-102. In addition, the following terms are defined:

2. "ORS" means the Office of Recovery Services.
3. "ORSIS" means the Office of Recovery Services Computer Information System.
4. "BMC" means the Bureau of Medical Collections.
5. "CIC" means the Bureau for Children in Care.
6. "CSS" means Child Support Services.
7. "MSS" means Management Support Services.
8. "CSU" means the Customer Service Unit.
9. "BFS" means the Bureau of Financial Services.
10. "BET" means the Bureau of Electronic Technology.
11. "OT" means the Office of Technology.
12. "IV-D agency" refers to the state agency that administers a child support program under Title IV-D of the Social Security Act.
13. "IV-D recipient" refers to a person who receives IV-D services.
14. "IV-A" refers to Title IV-A of the Social Security Act.
15. "IV-A agency" refers to the state agency that administers a public entitlement program under Title IV-A of the Social Security Act.
16. "IV-A recipient" refers to a person who receives IV-A benefits.
17. "UIFSA" refers to Title 78B, Chapter 14 (Uniform Interstate Family Support Act) which replaces "URESAs", Title 77, Chapter 31 (Uniform Reciprocal Enforcement of Support Act).
18. "AFDC" refers to the former Aid to Families with dependent children program.
19. "FEP" refers to the Family Employment Program which is funded by "TANF" (Federal Temporary Assistance for Needy Families).
20. "Pass-through payment" as used in R527-40-1(3) refers to the first \$50 of the current support that ORS collected for a month in which the custodial parent received AFDC. The IV-A agency paid this amount to the AFDC household prior to March, 1997.
21. "IRS" refers to the Internal Revenue Service.
22. "TPL" means Third Party Liability.
23. "CP" means custodial parent.
24. "NCP" means non-custodial parent.

KEY: child support, welfare

Date of Enactment or Last Substantive Amendment: ~~July 13~~, 2009

Notice of Continuation: September 4, 2007

Authorizing, and Implemented or Interpreted Law: 62A-1-111; 62A-11-103; 62A-11-107; 62A-11-303; 62A-11-401; 78B-14-102

Human Services, Recovery Services **R527-3** Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32952

FILED: 09/09/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to comply with Subsections 63G-3-301(11) and (12) which state that a proposed rule becomes effective on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period under Subsection 63G-3-301(11), nor more than 120 days after the publication date. At the same time as this amendment, another filing is being made to add the authority and purpose and new definitions back in. (DAR NOTE: The proposed amendment to Rule R527-3 that puts the language back in is under DAR No. 32953 in this issue, October 1, 2009, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The changes delete Section R527-3-1, Authority and Purpose, and the CP (Subsection R527-3-2(23)) and NCP (Subsection R527-3-2(24)) definitions.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-11-103 and Section 62A-11-303 and Section 62A-11-401 and Section 78B-14-102

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Amending this rule will have no fiscal impact on the department since it is being put back into effect at the same time, resulting in no lapse or change in rule content.
- ◆ **LOCAL GOVERNMENTS:** Amending this rule will not affect local governments since the rule deals solely with internal procedures of the Office of Recovery Services/Child Support Services (ORS/CSS).
- ◆ **SMALL BUSINESSES:** Amending this rule will have no fiscal impact on small businesses because it is being put back into effect at the same time, resulting in no lapse or change in rule content.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Amending this rule will have no fiscal impact on other persons

because it is being put back into effect at the same time, resulting in no lapse or change in rule content.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Amending this rule will have no fiscal impact on individuals, associations, entities, etc., since it will be put back into effect at the same time resulting in no lapse or change in rule content.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Amending this rule will have no fiscal impact on individuals, associations, entities, etc., since another amendment is being filed at the same time to add the information back to the rule resulting in no lapse or change in rule content. Both filings will be put into effect on the same day resulting in no lapse or change in rule content.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Mark Brasher , Director

R527. Human Services, Recovery Services.

R527-3. Definitions.

R527-3-1. [Authority and Purpose.

1. ~~The Department of Human Services is authorized to create rules necessary for the provision of social services by Section 62A-1-111 and 62A-11-107.~~

2. ~~The purpose of this rule is to identify the terms and definitions used by the Office of Recovery Services/Child Support Services not currently defined by law.~~

R527-3-2. [Definitions.

1. Terms used in this title, R527, are defined in Section 62A-11-103, 62A-11-303, 62A-11-401, and 78B-14-102. In addition, the following terms are defined:

2. "ORS" means the Office of Recovery Services.
3. "ORSIS" means the Office of Recovery Services Computer Information System.
4. "BMC" means the Bureau of Medical Collections.
5. "CIC" means the Bureau for Children in Care.
6. "CSS" means Child Support Services.

7. "MSS" means Management Support Services.
8. "CSU" means the Customer Service Unit.
9. "BFS" means the Bureau of Financial Services.
10. "BET" means the Bureau of Electronic Technology.
11. "OT" means the Office of Technology.
12. "IV-D agency" refers to the state agency that administers a child support program under Title IV-D of the Social Security Act.
13. "IV-D recipient" refers to a person who receives IV-D services.
14. "IV-A" refers to Title IV-A of the Social Security Act.
15. "IV-A agency" refers to the state agency that administers a public entitlement program under Title IV-A of the Social Security Act.
16. "IV-A recipient" refers to a person who receives IV-A benefits.
17. "UIFSA" refers to Title 78B, Chapter 14 (Uniform Interstate Family Support Act) which replaces "URESAs", Title 77, Chapter 31 (Uniform Reciprocal Enforcement of Support Act).
18. "AFDC" refers to the former Aid to Families with dependent children program.
19. "FEP" refers to the Family Employment Program which is funded by "TANF" (Federal Temporary Assistance for Needy Families).
20. "Pass-through payment" as used in R527-40-1(3) refers to the first \$50 of the current support that ORS collected for a month in which the custodial parent received AFDC. The IV-A agency paid this amount to the AFDC household prior to March, 1997.
21. "IRS" refers to the Internal Revenue Service.
22. "TPL" means Third Party Liability.[
- ~~23. "CP" means custodial parent.~~
- ~~24. "NCP" means non-custodial parent.]~~

KEY: child support, welfare

Date of Enactment or Last Substantive Amendment: [July 13], 2009

Notice of Continuation: September 4, 2007

Authorizing, and Implemented or Interpreted Law: 62A-1-111; 62A-11-103; 62A-11-107; 62A-11-303; 62A-11-401; 78B-14-102

Human Services, Recovery Services R527-201 Medical Support Services

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 32951
FILED: 09/09/2009

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to delete the first subsection of Section R527-201-8. If a child support order or underlying worksheet gives a specific insurance credit for the children's portion of the insurance premium and later the insurance premium increases or decreases, at the recommendation of legal counsel, the Office of Recovery Services/Child Support Services (ORS/CSS) will only enforce the insurance as ordered. Also, Subsection R527-201-9(9) has been updated to add clarification per Subsection 62A-11-406(9).

SUMMARY OF THE RULE OR CHANGE: Delete the Subsection R527-201-8(1) and renumber the subsequent subsections in this section. Break out Subsection R527-201-9(9) to add more clarification per Subsection 62A-11-406(9).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-11-107 and Section 62A-1-111 and Section 62A-11-326 and Subsection 62A-11-103(2)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There should be a small savings to the state budget because ORS/CSS will no longer adjust the insurance credit on a case when the party providing insurance obtains new insurance and the premium cost is less, making the new insurance credit less than the amount specified in the order. This process can be time consuming as it requires the office to gather information from the party providing insurance, make a mathematical determination as to the new insurance credit amount, adjust the income withholding accordingly, send notices to the employers and custodial parents, and make appropriate adjustment to the office computer system.

◆ **LOCAL GOVERNMENTS:** Administrative rules of ORS/CSS do not apply to local governments, because the rules primarily affect the internal procedures of the office; therefore, there are no anticipated costs or savings for any local government due to this amendment.

◆ **SMALL BUSINESSES:** There could be a small savings to small businesses because they will no longer receive and be required to process the amended income withholding orders that are sent as a result of the office determining a new lower insurance credit amount on these type of cases.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There should be no anticipated costs for persons other than business as the changes primarily affect the internal procedures of ORS/CSS and provide clarification to the child support staff.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In order for the parents to receive a lower or higher insurance credit on a case where the order has a specific insurance credit amount, the parties must now incur the costs

associated with modifying an order. But it is hard to determine how many of these parents will actually modify the order, because some of the parties will choose not to incur the costs and leave the ordered insurance credit amount as is.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The impact to businesses as a result of these changes to this rule should be minimal, because most of the cases with Utah orders already have language that allows ORS/CSS to adjust the insurance credit amount higher or lower as the insurance premium or number of individual covered on a policy changes.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ LeAnn Wilber by phone at 801-536-8950, by FAX at 801-536-8833, or by Internet E-mail at lwilber@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2009

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2009

AUTHORIZED BY: Mark Brasher , Director

R527. Human Services, Recovery Services.

R527-201. Medical Support Services.

R527-201-6. Securing a Medical Support Provision in the Support Order.

1. Notice to potentially obligated parents: The notice to potentially obligated parents shall include a provision that an administrative or judicial proceeding will occur to:

- a. order either parent to purchase and maintain appropriate medical insurance for the children, and
- b. order both parents to pay cash medical support.[-]

_____This notification shall be provided when either of the following conditions is met:

- a. the state initiates an action to establish a final support order or to adjust an existing child support order; or
- b. the state joins a divorce or modification action initiated by either the custodial or the non-custodial parent.

2. If a judicial support order does not include a medical support provision, ORS/CSS shall commence judicial action to modify the order to include a medical support provision.

R527-201-8. Credit for Premium Payments and Effect of Changes to the Premium Amount Subsequent to the Order.

1. [~~If the order or underlying worksheet gives credit of a specific amount for the children's portion of the premium and the amount of the premium decreases, ORS/CSS may reduce the amount of the credit without seeking a modification of the order.~~

~~_____2.]~~If the order or underlying worksheet does not mention a specific credit for insurance premiums, ORS/CSS shall give credit for the child(ren)'s portion of the insurance premium when the obligated parent provides the necessary verification coverage.

[3]2. ORS/CSS shall notify both parents in writing whenever the credit is changed.

R527-201-9. Enforcement of Obligation to Maintain Medical and Dental Insurance.

1. In Non-IV-A cases and in IV-A Medicaid cases, appropriate steps shall be taken to ensure compliance with orders which require the obligated parent to maintain insurance. Obligated parents shall demonstrate compliance by providing ORS/CSS with policy numbers and the insurance provider name for the dependent children for whom the medical support is ordered.

2. In Non-IV-A cases and in IV-A Medicaid cases, if an obligated parent has been ordered to maintain insurance and insurance is accessible and available at a reasonable cost, ORS/CSS shall use the NMSN to transfer notice of the insurance provision to the obligated parent's employer unless ORS/CSS is notified pursuant to Section 62A-11-326.1 that the children are already enrolled in an insurance plan in accordance with the order.

3. When appropriate, ORS/CSS shall send the NMSN to the obligated parent's employer within two business days after the name of the obligated parent has been entered into the registry of the State Directory of New Hires, matched with ORS/CSS records, and reported to ORS/CSS in accordance with Subsection 35A-7-105(2).

4. The employer shall transfer the NMSN to the appropriate group health plan for which the children are eligible within twenty business days of the date of the NMSN if all of the following criteria are met:

- a. the obligated parent is still employed by the employer;
- b. the employer maintains or contributes to plans providing dependent or family health coverage;
- c. the obligated parent is eligible for the coverage available through the employer; and
- d. state or federal withholding limitations, prioritization, or both, do not prevent withholding the amount required to obtain coverage.

5. If more than one coverage option is available under a group insurance plan and the obligated parent is not already enrolled, ORS/CSS in consultation with the custodial parent may select the least expensive option if the option complies with the child support order and benefits the children. The insurer shall enroll the children in the plan's default option or least expensive option in accordance with Subsection 62A-11-326.2(1)(b) unless another option is specified by ORS/CSS.

6. The employer shall determine if the necessary employee contributions for the insurance coverage are available. If the amounts necessary are available, the employer shall begin withholding when appropriate and remit directly to the plan.

7. In accordance with Subsections 62A-11-326.1(2) and (3), the obligated parent may contest withholding insurance premiums based on a mistake of fact. The employer shall continue withholding under the NMSN until notified by ORS/CSS to terminate withholding insurance premiums.

8. If a parent successfully contests the action to enroll the children in a group health plan based on a mistake of fact, ORS/CSS shall notify the employer to discontinue enrollment and withholding insurance premiums for the children.

9. In accordance with Subsection 62A-11-406(9), the employer shall:

a. ~~promptly~~ notify ORS/CSS within five days after~~when~~ the obligated parent~~'s~~ terminates employment~~[is terminated]~~;

b. provide the office with the obligated parent's last-known address; and

c. the name and address of any new employer, if known.

10. ORS/CSS shall promptly notify the employer when a current order for medical support is no longer in effect for which ORS/CSS is responsible.

KEY: child support, health insurance, Medicaid
Date of Enactment or Last Substantive Amendment: ~~June 2~~, 2009

Notice of Continuation: January 16, 2007
Authorizing, and Implemented or Interpreted Law: 62A-1-111; 62A-11-103(2); 62A-11-107; 62A-11-326; 62A-11-326.1; 62A-11-326.2; 62A-11-326.3; 62A-11-406(9); 63G-4-102 et seq.; 78B-12-102(6); 78B-12-212; 35A-7-105(2); 45 CFR 303.30; 45 CFR 303.31; 45 CFR 303.32

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended 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 upon filing.

NOTICES are governed by Section 63G-3-305.

Education, Administration **R277-462** Comprehensive Counseling and Guidance Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32943
FILED: 09/03/2009

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities. Subsection 53A-1a-106(2)(b) directs local boards of education to establish policies for the implementation of students education plans (SEPs) or student education/occupation plans (SEOPs). This rule provides standards and procedures for school board implementation of the required plans under the Comprehensive Counseling and Guidance Program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to provide standards and

procedures for school boards to implement SEPs or SEOPs under the Comprehensive Counseling and Guidance Program. Therefore, this rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/03/2009

Education, Administration **R277-463** Class Size Reporting

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32944
FILED: 09/03/2009

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Class size reporting continues to be required by and reported to the Utah State Office of Education. The rule provides standards and procedures for reporting class size. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/03/2009

Education, Administration
R277-504

Early Childhood, Elementary,
 Secondary, Special Education (K-12),
 Communication Disorders, Speech-
 Language Pathologist and Speech-
 Language Technician, and Preschool
 Special Education (Birth-Age 5)
 Licensure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32945
 FILED: 09/03/2009

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 53A-1-402(1)(a) which requires the Utah State Board of Education to make rules regarding the licensing of educators, and Subsection 53A-1-401(3) which allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to specify requirements and standards which must be met for licensing areas in these specific areas. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/03/2009

Education, Administration
R277-521
 Professional Specialist Licensing

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32946
FILED: 09/03/2009

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 53A-6-104(1) authorizes the Utah State Board of Education to issue licenses for educators, and Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary to provide the standards for licensing of professional specialists and administrators. Therefore, this rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/03/2009

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32947
FILED: 09/03/2009

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 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities, and Section 53A-11-1003 directs the Utah State Board of Education to adopt rules governing the dissemination of information about violent juvenile offenders in the public schools.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides procedures for school districts and charter schools to follow in notifying school personnel of violent offenders in their schools. Therefore, this rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/03/2009

Education, Administration
R277-714
Dissemination of Information About
Juvenile Offenders

Education, Administration
R277-760

Flow Through Funds for Students at Risk

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32948
FILED: 09/03/2009

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: Subsections 53A-17a-121(1) and (2) require funds appropriated for students at risk to be distributed according to standards set by the Utah State Board of Education, and Subsection 53A-1-401(3) allows the Utah State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides the standards and procedures to distribute at risk flow-through funds to school districts. Therefore, this rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

EFFECTIVE: 09/03/2009

Health, Community and Family Health Services, Children with Special Health Care Needs

R398-1

Newborn Screening

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 32957
FILED: 09/10/2009

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 26-10-6, Testing of newborn infants, requires each newborn infant in Utah to be tested for phenylketonuria and other metabolic diseases, which may result in mental retardation or brain damage. This statute authorizes the Utah Department of Health to charge fees to cover the costs of testing infants and following up with parents of the tested infants. Since the purpose of testing newborn infants under Section 26-10-6 is to prevent mental retardation or brain damage by early identification and treatment of specified metabolic diseases, such testing is correctly considered to be a matter materially affecting the preservation and improvement of public health in the state. Hence, the department is authorized to adopt rules on the testing of newborn infants required by Section 26-10-6.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The department cannot assure the proper testing and follow up of every newborn infant in Utah without establishing by rule the definitions, required tests, testing procedures, responsibilities, timing, and follow up procedures. For these reasons, Rule R398-1 was established and must be continued.

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

HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
44 N MARIO CAPECCHI DR
SALT LAKE CITY, UT 84113
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Fay Keune by phone at 801-584-8256, by FAX at 801-536-0966, or by Internet E-mail at fkeune@utah.gov

AUTHORIZED BY: David Sundwall, Executive Director

EFFECTIVE: 09/10/2009

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Kimi McNutt by phone at 801-538-6381, by FAX at 801-538-6099, or by Internet E-mail at kmcnutt@utah.gov

AUTHORIZED BY: David Sundwall, Executive Director

EFFECTIVE: 09/09/2009

Health, Health Care Financing,
 Coverage and Reimbursement Policy

R414-90

Diabetes Self-Management Training

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 32955

FILED: 09/09/2009

**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 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, 42 CFR 440.130 authorizes the Department to provide self-management training for Medicaid clients.

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 or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it outlines provisions for diabetes self-management training. Therefore, this rule should be continued.

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Division of Administrative Rules.

Health, Health Care Financing,
 Coverage and Reimbursement Policy

R414-140

Choice of Health Care Delivery
 Program

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 32954

FILED: 09/09/2009

**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 26-1-5 grants the Department of Health the power to adopt, amend, or rescind rules that shall have the force and effect of law. In addition, 42 USC 1396n(b) authorizes the Department to provide this program to Medicaid eligible clients.

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 or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary because it outlines the Choice of Health Care Delivery Program. Therefore, this rule should be continued.

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Kimi McNutt by phone at 801-538-6381, by FAX at 801-538-6099, or by Internet E-mail at kmcnutt@utah.gov

AUTHORIZED BY: David Sundwall, Executive Director

EFFECTIVE: 09/09/2009

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 by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/14/2009

**Insurance, Administration
 R590-67**

**Proxy Solicitations and Consent and
 Authorization of Stockholders of
 Domestic Stock Insurers**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 32975
 FILED: 09/14/2009

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule receives its authority from Subsection 31A-2-201(3), which authorizes the commissioner to make rules to implement the provisions of Title 31A of the Utah Code, and in this case the implementation of Chapter 5, Domestic Stock and Mutual Insurance Corporations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Many insurance companies in Utah are stock insurance companies. Stockholders in an insurance company have various rights, which may be assigned to another person via a proxy statement. This rule provides guidance as to the form and content of proxy solicitation made to insurance stockholders. Without this rule, there may be instances where individuals unfairly or covertly obtain a proxy to act on behalf of a stockholder without the stockholder's full or complete knowledge of what is happening. Therefore, this rule should be continued.

**Insurance, Administration
 R590-76**

**Health Maintenance Organizations and
 Limited Health Plans**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 32976
 FILED: 09/14/2009

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 31A, Chapter 8, of the Insurance Code regulates health maintenance organizations, their incorporation, licensure, solvency, securities standards, requirements regarding their operations, and access to health care providers. Subsection 31A-2-201(3) is the general rulemaking provision that allows the commissioner to make rules to implement the provisions of the code, which in this case is Chapter 8 of Title 31A.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments regarding this rule within the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Health maintenance organizations are major

players in our health insurance market. This rule, along with Title 31A, Chapter 8, of the Insurance Code have been developed to ensure the availability, accessibility, and quality of services provided by health maintenance organizations (HMOs); to provide standards for terms and provisions contained in HMO contracts and certificates; to provide standards for determining financial condition; and to provide other standards deemed necessary to protect the interests of the citizens of Utah. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/14/2009

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule requires disclosure of basic life policy features specified in Part 4 of Chapter 22 of Title 31A and specifies the format for disclosure. The disclosure informs and assists consumers in understanding the policy they purchase. Therefore, this rule should be continued.

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

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DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/10/2009

Insurance, Administration
R590-79
Life Insurance Disclosure Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 32959
FILED: 09/10/2009

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule gets its general rulemaking authority from Section 31A-2-201, which authorizes the commissioner to make rules to implement the provisions of Title 31A of the Utah Code.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments within the past five years regarding this rule.

Insurance, Administration
R590-83

Unfair Discrimination on the Basis of
Sex or Marital Status

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 32960
FILED: 09/10/2009

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule gets its authority from Subsections 31A-2-201(1) and (3), which authorize the commissioner to make rules to implement the provisions of Title 31A of the Utah Code. The specific rulemaking authority comes from marketing Practices in Subsection 31A-23a-402 (8). Subsection 31A-23a-402(8) gives the commissioner the authority to define unfair business practices by rule after a finding that it is misleading, deceptive, unfairly discriminatory, etc. This rule prohibits discrimination in all new and renewal insurance contracts based solely on sex or marital status.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written complaints or comments regarding this rule within the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued in force because it provides important protection to consumers allowing the department to regulate against unfair and discriminatory transactions between insurers and consumers. Repealing this rule could give the impression that the department is not concerned about unfair discrimination based on gender and marital status impairments.

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 by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/10/2009

**Insurance, Administration
 R590-127
 Rate Filing Exemptions**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 32961
 FILED: 09/10/2009

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The general rulemaking authority for this rule comes from Subsection 31A-2-201(3), which authorizes the commissioner to make rules to implement the provisions of Title 31A of the Utah Code. Specific rulemaking

authority comes from Section 31A-19a-103 authorizing the commissioner to write rules to exempt a person, persons, or market segment from any part of Chapter 19a. This rule exempts from the rate filing requirements in Section 31A-19a-203, (a) rates, the process of developing (a) rates, special risk rating, commercial excess and umbrella liability insurance.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There are four key reasons for continuing this rule in force: 1) it clarifies Section 31A-19a; 2) it exempts certain lines of insurance from filing rates; 3) it puts a limitation on scheduled rating plans; and 4) it provides definitions for (a) rates, excess insurance, individual risk filing, self-insured retention, and umbrella liability insurance. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 INSURANCE
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 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 by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/10/2009

**Insurance, Administration
 R590-129
 Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 32962
 FILED: 09/10/2009

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule gets its authority from Subsections 31A-2-201(1) and (3), which authorizes the commissioner to make rules to implement the provisions of Title 31A of the Utah Code. The specific rulemaking authority comes from the Marketing Practices part of the code, Subsection 31A-23a-402(8). Subsection 31A-23a-402(8) gives the commissioner the authority to define unfair business practices by rule after a finding that it is misleading, deceptive, unfairly discriminatory, etc. This rule prohibits discrimination in all new and renewal insurance contracts based on blind, new, or physical impairment.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments regarding this rule within the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued in force because it provides important protection for consumers and insurers and allows the department to regulate against unfair and discriminatory transactions between insurers and consumers. Repealing this rule could give the impression that the department does not care about unfair discrimination based on physical and mental impairments.

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

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or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/10/2009

Insurance, Administration
R590-167
Individual and Small Employer Health
Insurance Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 32963
FILED: 09/10/2009

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule receives its general and specific rulemaking authority from the following code references: 1) Section 31A-2-201, which authorizes the commissioner to make rules to implement the provisions of Title 31A of the Utah Code; and 2) Subsection 31A-30-106(1) (k), which authorizes the commissioner to revise rules written for Sections 31A-22-602 and 31A-22-605 regarding individual accident and health policy rates allowing rating in accordance with Section 31A-30-106.

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 made changes to this rule in the past five years resulting in four comment periods and one nonsubstantive change. In all we have received three comments, which related to grammatical errors and a date that was not changed, but which was in a follow-up correction.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule, along with Chapter 30 of Title 31A, regulates and prevents abuse in insurer rating practices, assures consumers receive credit for previous coverage, and limits the use of restrictive riders. Therefore, this rule should be continued.

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

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801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 09/10/2009

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses and the agency must start the rulemaking process over.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Commerce

Occupational and Professional Licensing

No. 32820 (NEW): R156-78. Vocational Rehabilitation

Counselors Licensing Act Rule

Published: 08/01/2009

Effective: 09/10/2009

No. 32821 (NEW): R156-79. Hunting Guides and Outfitters

Licensing Act Rule

Published: 08/01/2009

Effective: 09/10/2009

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 32743 (AMD): R414-308-3. Application and Signature

Published: 07/15/2009

Effective: 09/15/2009

Human Services

Substance Abuse and Mental Health

No. 32773 (AMD): R523-23-4. Provider Responsibilities

Published: 07/15/2009

Effective: 09/10/2009

No. 32774 (AMD): R523-24-4. Provider Responsibilities

Published: 07/15/2009

Effective: 09/10/2009

Insurance

Administration

No. 32829 (AMD): R590-146. Medicare Supplement

Insurance Standards

Published: 08/01/2009

Effective: 09/15/2009

Transportation

Motor Carrier

No. 32826 (NEW): R909-2. Utah Trucking Guide

Published: 08/01/2009

Effective: 09/09/2009

No. 32827 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous

Wastes

Published: 08/01/2009

Effective: 09/09/2009

Motor Carrier, Ports of Entry

No. 32828 (REP): R912-11. Overweight and/or Oversize

Permitted Vehicle Restrictions on Certain Highways

Throughout the State of Utah

Published: 08/01/2009

Effective: 09/09/2009

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 September 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 is not included in this issue of the Utah State Bulletin. The release of eRules version 2.0 has introduced different functionality with regards to the index; this functionality has yet to be fully tested. Persons interested in alternative methods of acquiring the same information should visit "Researching Administrative Rules" at: <http://www.rules.utah.gov/research.htm>

Questions regarding the index and the information it contains should be addressed to 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/>).
