

UTAH STATE BULLETIN

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

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

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, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: <http://www.rules.utah.gov/>

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

Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for April 2013 Medicaid Rate Changes

Effective April 1, 2013, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies, potential adjustments to existing codes, and nursing home rate changes to case mix components consistent with adopted payment methodology. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>

Health Health Care Financing, Coverage and Reimbursement Policy

Psychologist Services

The Division of Medicaid and Health Financing (DMHF) will submit a change to the Utah Medicaid State Plan to clarify the provision of psychology services.

DMHF will submit SPA 13-008-UT Psychologist Services, which specifies services available to Medicaid recipients who meet the criteria set forth in this amendment. These services include psychological evaluation and testing for individuals who exhibit intellectual disabilities, developmental disabilities or related conditions, and psychological evaluation for individuals with a condition that requires chronic pain management services.

DMHF does not anticipate any increase in total annual expenditures as a result of this change.

This change is pending Centers for Medicare and Medicaid Services approval.

A copy of the change may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, PO Box 143102, Salt Lake City, UT 84114-3102. Comments are welcome at the same address. Copies of the change are also available at local county health department offices.

Health Health Care Financing, Coverage and Reimbursement Policy

Inclusion of San Juan County in the Prepaid Mental Health Plan

At the request of the San Juan Counseling Center and to be consistent in how mental health services are delivered throughout the state, the Division of Medicaid and Health Financing (DMHF) will submit an amendment to the Prepaid Mental Health Plan Waiver for mental health services to include San Juan County.

This means that Medicaid recipients of San Juan County will be required to obtain inpatient and outpatient mental health services through the San Juan Counseling Center. This change, however, does not apply to Medicaid recipients who are American Indians and receive these services from Indian health care providers.

By moving mental health services in San Juan County from fee-for-service to capitation, the Department estimates that total annual expenditures under the waiver amendment will be about \$538,482.

SPECIAL NOTICES

The proposed effective date of this change is July 1, 2013, and it is pending Centers for Medicare and Medicaid Services approval.

A copy of the change may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, PO Box 143102, Salt Lake City, UT 84114-3102. Comments are welcome at the same address. Copies of the change are also available at local county health department offices.

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 February 16, 2013, 12:00 a.m., and March 01, 2013, 11:59 p.m. are included in this, the March 15, 2013 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 April 15, 2013. 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 July 13, 2013, 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

**Alcoholic Beverage Control,
Administration
R81-1-31**

Duties of Commission Subcommittees

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 37363
FILED: 02/26/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to implement S.B. 66 passed by the Legislature in the 2012 General Session. S.B. 66 created commission subcommittees with duties to be defined by rule. See Subsection 32B-2-201(5).

SUMMARY OF THE RULE OR CHANGE: The proposed section R81-1-31 defines the duties of the two commission subcommittees -- the Compliance, Licensing and Enforcement Subcommittee and the Operations and Procurement Subcommittee.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Section 32B-2-201(5)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.
- ◆ LOCAL GOVERNMENTS: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.
- ◆ SMALL BUSINESSES: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

**R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
R81-1-31. Duties of Commission Subcommittees.**

(1) This rule is promulgated pursuant to Section 32B-2-201.5 and shall govern the duties of the two commission subcommittees, Compliance Licensing and Enforcement Subcommittee and the Operations and Procurement Subcommittee.

(2) Duties reserved for the full commission: All major decisions, included but not limited to -- Granting of licenses and special use permits, establishing state stores and adoption of formal rule making and policy.

(3) The Compliance Licensing and Enforcement Subcommittee will review and discuss items related to compliance, licensing and enforcement and make recommendations to the full commission on those items.

(4) The full commission may defer decision making to the subcommittee on all items related to licensing, compliance and enforcement not reserved to the full commission.

(5) The Operations and Procurement Subcommittee will review and discuss items related to operations and procurement and make recommendations to the full commission on those items.

(6) The full commission may defer decision making to the subcommittee on all items related to Operations and Procurement not reserved to the commission in section.

(7) A subcommittee quorum is the majority of standing members. Decision by subcommittee requires at least a majority vote of the quorum.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [July 31, 2012]2013

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32B-2-201(10); 32B-2-202; 32B-3-203(3)(c); 32B-1-305; 32B-1-306; 32B-1-307; 32B-1-607; 32B-1-304(1)(a); 32B-6-702; 32B-6-805(3); 32B-9-204(4); 32B-4-414(1)(b) and (c)

**Alcoholic Beverage Control,
Administration
R81-2-12
Store Site Selection**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37365
FILED: 02/28/2013**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: It is necessary for the commission to write rules to comply with Subsection 32B-2-202(1)(c)(ii), which requires a rule for state store site selection.

SUMMARY OF THE RULE OR CHANGE: This rule establishes criteria and procedures for determining the location of a state store.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-2-202(1)(c)(ii)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--This rule filing simply makes the Department of Alcoholic Beverage Control (DABC) rules consistent with the new statute.
- ◆ LOCAL GOVERNMENTS: None--This rule filing simply makes DABC rules consistent with the new statute.
- ◆ SMALL BUSINESSES: None--This rule filing simply makes DABC rules consistent with the new statute.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--This rule filing simply makes DABC rules consistent with the new statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply makes DABC rules consistent with the new statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply makes DABC rules consistent with the new statute.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-2. State Stores.

R81-2-12. Store Site Selection.

This rule is promulgated pursuant to Section 32B-2-202(1)(c)(ii) which requires that criteria and procedures be established for determining the location of a state store: Prior to the commission establishing a new state store, the Operations and Procurement Subcommittee will determine the feasibility of a new site, weigh options and consider the investigation and recommendation of the department as outlined in 32B-2-502 then make its recommendation to the commission.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~October 1, 2011~~2013]

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32B-1-607; 32B-2-202

**Alcoholic Beverage Control,
Administration
R81-4A-2
Application**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 37367
FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ LOCAL GOVERNMENTS: None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ SMALL BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-4A. Restaurant Liquor Licenses.

R81-4A-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a restaurant license until:

- (a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-204 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a-]copy of [a-]current local business license(s) necessary

for operation of a full service restaurant, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the restaurant premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

(3) Subsection (1)(a) does not preclude the commission from considering an application for a conditional restaurant license under the terms and conditions of 32B-5-205.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: ~~May 22, 2012~~2013

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5-303(3); 32B-6-202

**Alcoholic Beverage Control,
Administration
R81-4B-2
Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37368

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.**R81-4B. Airport Lounge Licenses.****R81-4B-2. Application.**

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of an airport lounge license until:

- (a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204 and 32B-6-204 (submission of a completed application, payment of application and licensing fees, written consent of local authority and airport authority, a copy of the sign proposed to be used to inform the public that alcoholic products are sold and consumed on the airport lounge premises, ~~[a]~~copy of ~~[a]~~current local business license(s) necessary for operation of a airport lounge, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the airport lounge premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: ~~[May 22, 2012]~~2013

Notice of Continuation: November 3, 2010

Authorizing, and Implemented or Interpreted Law: ~~[32A-1-107]~~32-1-607; 32B-2-202; 32B-5; 32B-6-201 through 505

**Alcoholic Beverage Control,
Administration
R81-4C-2
Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37369

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

**R81. Alcoholic Beverage Control, Administration.
 R81-4C. Limited Restaurant Licenses.
 R81-4C-2. Application.**

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a limited restaurant license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204 and 32B-6-304 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a]-copy of [a]-current local business license(s) necessary for operation of a limited restaurant license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the limited restaurant premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all

application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

(3) Subsection (1)(a) does not preclude the commission from considering an application for a conditional limited restaurant license under the terms and conditions of 32B-5-205.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Notice of Continuation: July 31, 2008

Authorizing, and Implemented or Interpreted Law: [~~32B-5-303(3); 32B-6-207; 32B-1-607; 32B-2-202; 32B-5; 32B-6-301~~ through 305.1

**Alcoholic Beverage Control,
 Administration
 R81-4D-2
 Application**

**NOTICE OF PROPOSED RULE
 (Amendment)**

DAR FILE NO.: 37370
 FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-4D. On-Premise Banquet License.

R81-4D-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of an on-premise banquet license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204 and 32B-6-604 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a-]copy of [a-]current local business license(s) necessary for operation of an on-premise banquet catering license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the on-premise banquet premise.

(2) The application shall include a floor plan showing the locations of function space in or on the applicant's business premises that may be reserved for private banquet functions where alcoholic beverages may be stored, sold or served, and consumed. Hotels shall also indicate the number of sleeping rooms where room service will be provided and include a sample floor plan of a guest room level. No application will be accepted that merely designates

the entire hotel, resort, sports center or convention center facility as the proposed licensed premises.

(3)(a) All application requirements of Subsection (1)(a) and (2) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (3)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

(4) Pursuant to 32B-6-604(6) after an on-premise banquet license has been issued, the licensee may apply to the department for approval of additional locations in or on the premises of the hotel, resort, sports center or convention center that were not included in the licensee's original application. The additional locations must:

(i) be clearly defined;

(ii) be configured to ensure separation between any private banquet function and other areas of the facility that are open to the general public; and

(iii) be configured to ensure compliance with all operational restrictions with respect to the sale, storage, and consumption of alcoholic beverages required by 32B-5-301 to -308 and 32B-6-605.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Notice of Continuation: July 31, 2008

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-6-601 through 605

Alcoholic Beverage Control, Administration **R81-4E-2** Application

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37371
FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsections 32B-5-201(2)(e) and 32B-8-202(1)(a) require that an applicant submit a business license as part of their application for a resort license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e) and Subsection 32B-8-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-4E. Resort Licenses.

R81-4E-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a resort license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204 and 32B-6-204 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [~~a~~]copy of [~~a~~]current local business license(s) necessary for operation of a resort license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the resort premise.

(2) Pursuant to 32B-5-203 and 32B-8-204, each sublicense of a resort license is not required to:

(a) submit an application or renewal application that is separate from the resort license application;

(b) carry public liability or dramshop insurance coverage that is separate from that carried by the resort licensee; or

(c) post a bond that is separate from the bond posted by the resort licensee if the aggregate of any bonds posted by the resort licensee covers each sublicense under the resort license.

(3) Pursuant to 32B-8-302, a resort spa sublicense is not required to file a separate application from the application for the resort license unless the resort spa sublicense is being sought after the resort license has already been granted. If a resort licensee seeks to add a resort spa sublicense after its resort license is granted, the application shall comply with 32B-8-204(3)(b), and this rule.

(4)(a) All application requirements of Subsections (1)(a) and (3) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Authorizing, and Implemented or Interpreted Law: [~~32A-1-107~~]**32-1-607; 32B-2-202; 32B-5; 32B-8**

**Alcoholic Beverage Control,
 Administration
 R81-4F-2
 Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37372

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.**R81-4F. Reception Center Licenses.****R81-4F-2. Application.**

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a reception center license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-804 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [~~a~~]copy of [~~a~~]current local business license(s) necessary for operation of a reception center license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the reception center premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~July 1, 2012~~]**2013**

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-6-801 through -805(~~3~~)

**Alcoholic Beverage Control,
 Administration
 R81-5-2
 Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37373

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-5. Club Licenses.

R81-5-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a club license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-405 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a]-copy of [a]-current local business license(s) necessary for operation as the type of club license requested on the application, evidence of proximity to certain community locations, evidence that the applicant meets the requirements for the type of club license for which the person is applying, evidence that a variety of food is prepared and served in connection with dining accommodations, a bond, a floor plan, public liability and liquor liability insurance, and if an equity or fraternal club a copy of the club's bylaws or house rules and any amendment to those records); and

(b) the department has inspected the club premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-6-401 through -409(3)]

**Alcoholic Beverage Control,
Administration
R81-9-1
Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37377

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-12-202(5) requires that an applicant submit a business license as part of their application for a liquor warehousing license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-12-201(5)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

**R81. Alcoholic Beverage Control, Administration.
 R81-9. Liquor Warehousing Licenses.
 R81-9-1. Application.**

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a liquor warehouse license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-12-202, -204, and -206 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [~~a~~]copy of [~~a~~]current local business license(s) necessary for operation of a liquor warehousing license, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the warehouse premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32-1-~~147~~**607; 32B-2-202; 32B-9**

**Alcoholic Beverage Control,
 Administration
 R81-10A-3
 Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37374

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.**R81-10A. Recreational Amenity On-Premise Beer Retailer Licenses.****R81-10A-3. Application.**

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a recreational amenity on-premise beer retailer license until:

- (a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-705 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a-]copy of [a-]current local business license(s) necessary for operation as a recreational amenity on-premise beer retailer license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability insurance and liquor liability insurance if the retailer sells more than \$5000 of beer annually); and

(b) the department has inspected the recreational amenity on-premise beer retailer premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Notice of Continuation: November 3, 2010

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; [32B-6-702]32B-5; 32B-6-701 through 708

**Alcoholic Beverage Control,
Administration
R81-10C-2
Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37375

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.
R81-10C. Beer-Only Restaurant Licenses.
R81-10C-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a beer only restaurant license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-904 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a-]copy of [a-]current local business license(s) necessary for operation of a beer-only restaurant license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the beer-only restaurant premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a

Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: ~~May 22, 2012~~ 2013

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-6-901 through 905

Alcoholic Beverage Control,
 Administration
R81-10D-2
 Application

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37376

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-201(2)(e) requires that an applicant submit a business license as part of their application for a retail license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-5-201(2)(e)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-10D. Tavern Beer Licenses.

R81-10D-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a tavern license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-703 and -705 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a-]copy of [a-]current local business license(s) necessary for operation as a tavern beer license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability insurance and liquor liability insurance if the tavern sells more than \$5000 of beer annually); and

(b) the department has inspected the tavern premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]2013

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-1-407(-5); 32B-6-701 through 708

**Alcoholic Beverage Control,
Administration
R81-11-1
Application**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37378

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-13-202(5) requires that an applicant submit a business license as part of their application for a beer wholesaler license. This rule clarifies the meaning of a "business license".

SUMMARY OF THE RULE OR CHANGE: This updates the rule to include the requirement that a "business license" means the necessary local license(s) necessary for operation of the license type in which the applicant applied.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-607 and Subsection 32B-13-202(5)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **LOCAL GOVERNMENTS:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **SMALL BUSINESSES:** None--This rule filing simply clarifies the application requirements for a retail license.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing simply clarifies the application requirements for a retail license.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing simply clarifies the application requirements for a retail license.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing simply clarifies the application requirements for a retail license.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

R81. Alcoholic Beverage Control, Administration.

R81-11. Beer Wholesaler Licenses.

R81-11-1. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a beer wholesaler license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-13-202, -204 and -206 (submission of a completed application, payment of application and licensing fees, written consent of local authority, [a]-copy of [a]-current local business license(s) necessary for operation as a beer wholesaler license, a bond, a statement of the brands of beer the applicant is authorized to sell and distribute, statement of the territories in which the applicant is authorized to sell and distribute beer under an agreement required by 32B-11-201 or 32B-11-503, and public liability insurance); and

(b) the department has inspected the beer wholesaler premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]**2013**

Notice of Continuation: **May 10, 2011**

Authorizing, and Implemented or Interpreted Law: **32-1-[407]607; 32B-2-202; 32B-13**

Commerce, Occupational and
Professional Licensing
R156-55a
Utah Construction Trades Licensing Act
Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37364

FILED: 02/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Construction Services Commission are proposing amendments to: 1) allow contractor qualifiers, who previously met the experience requirement and had been approved as a qualifier, but who have been out of the construction industry for more than 10 years, to re-verify their experience by passing the current examination. Currently, the rule requires them to again re-obtain the experience within the last 10 years; 2) correct two statute citations; and 3) add the R200 (Factory Built Housing contractor) classification to the list of classifications requiring a trade examination.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-55a-301(2), two statutory citations are corrected. In Subsection R156-55a-302a(2), the proposed amendment adds the R200 (Factory Built Housing contractor) classification to the list of classifications requiring a trade examination. When the list of classifications requiring trade examinations was first included in the rule on 06/24/2008, the R200 classification was included in the proposed list but was inadvertently left off the list that was ultimately placed in the rule. This change corrects that error. The Division has been requiring the trade examination for the R200 classification even though it was left off the list. In Section R156-55a-302b, the proposed amendments modify the experience requirement to allow contractor qualifiers, who previously met the experience requirement and had been approved as a qualifier, but who have been out of the construction industry for more than 10 years to re-verify their experience by passing the current examinations. Currently, the rule requires them to again re-obtain the experience within the last 10 years.

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(39)(a) and Subsection 58-55-308(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 contractors 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 contractors and applicants for licensure in that classification. Licensees and applicants for licensure may work in a small business or may own a small business. The proposed change in the experience requirement will reduce the burden for certain qualifiers to meet the experience requirements. It may also result in a company saving the cost to pay another person to be the qualifier in order to qualify for a contractor license. It is impossible to estimate the amount of savings that will result or the number of businesses/persons that will be impacted by this rule. The cost of the two required examinations is \$144. This cost would be offset by the savings.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendments only apply to licensed contractors and applicants for licensure in that classification. The proposed change in the experience requirement will reduce the burden for certain qualifiers to meet the experience requirements. It may also result in a company saving the cost to pay another person to be the qualifier in order to qualify for a contractor license. It is impossible to estimate the amount of savings that will result or the number of businesses/persons that will be impacted by this rule. The cost of the two required examinations is \$144. This cost would be offset by the savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed contractors and applicants for licensure in that classification. The proposed change in the experience requirement will reduce the burden for certain qualifiers to meet the experience requirements. It may also result in a company saving the cost to pay another person to be the qualifier in order to qualify for a contractor license. It is impossible to estimate the amount of savings that will result or the number of businesses/persons that will be impacted by this rule. The cost of the two required examinations is \$144. This cost would be offset by the savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, these proposed amendments allow an individual who has previously been approved by the Division as a qualifier for certain construction trades licenses to re-qualify past experience after a lapse of time. This change might allow a business to obtain a license and begin work in a more efficient manner. Otherwise, no fiscal impact to businesses is anticipated from this amendment or from other technical corrections included in the 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:

♦ 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 04/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 03/27/2013 09:00 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

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(22).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(21) and pursuant to Subsection 58-55-102(21)(b) is clarified as follows:

(a) 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(15)]~~15A-1-302(8) and constructed in accordance with Section ~~[58-56-13]~~15A-1-304. 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(32) and pursuant to Subsection 58-55-102(32) is clarified as follows:

(a) 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(22).

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(21) or 58-55-102(32).

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 replacement of photovoltaic cell panels and related components. Wiring, connections and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1) shall only be performed by an S200 General Electrical Contractor or S201 Residential Electrical Contractor. This classification is not required to install stand alone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.

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. This classification includes the above work for geo thermal systems.

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 - Gunnite 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.

S510 - Elevator Contractor. Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.

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) The scope of practice for the following primary classifications includes the scope of practice stated in the descriptions for the following subclassifications:

TABLE I

| Primary Classification | Included subclassifications |
|------------------------|--|
| S200 | S201, S202 |
| S210 | S211, S212, S213, S214, S215, S216, S217 |
| S220 | S221, S222 |
| S230 | S231 |
| S260 | S261, S262, S263 |
| S270 | S272, S273 |
| S290 | S291, S292, S293, S294 |
| S320 | S321, S322, S323 |

S350 S351, S325, S353, S354
 S420 S421
 S440 S441
 S490 S491

(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; and
- (c) fire alarm installation regulated by the Fire Marshal.

R156-55a-302a. Qualifications for Licensure - Examinations.

(1) In accordance with Subsection 58-55-302(1)(c), the qualifier for an applicant for licensure as a contractor or the qualifier for an applicant for licensure as a construction trades instruction facility shall pass the following examinations:

- (a) the Utah Contractor Business - Law Examination; and
- (b) an approved trade classification specific examination, where required in Subsection (2).

(2) An approved trade classification specific examination is required for the following contractor license classifications:

- E100 - General Engineering Contractor
- B100 - General Building Contractor
- B200 - Modular Unit Installation Contractor
- R100 - Residential and Small Commercial Contractor
- R101 - Residential and Small Commercial Non Structural Remodeling and Repair Contractor
- R200 - Factory Built Housing Contractor
- I101 - General Engineering Trades Instruction Facility
- I102 - General Building Trades Instruction Facility
- I105 - Mechanical Trades Instruction Facility
- S212 - Irrigation Sprinkling Contractor
- S213 - Industrial Piping Contractor

S215 - Solar Thermal Systems Contractor
 S216 - Residential Sewer Connection and Septic Tank Contractor

- S220 - Carpentry Contractor
- S222 - Overhead and Garage Door Contractor
- S230 - Siding Contractor
- S240 - Glass and Glazing Contractor
- S250 - Insulation Contractor
- S260 - General Concrete Contractor
- S270 - General Drywall and Plastering Contractor
- S280 - General Roofing Contractor
- S290 - General Masonry Contractor
- S293 - Marble, Tile and Ceramic Contractor
- S300 - General Painting Contractor
- S310 - Excavation and Grading Contractor
- S320 - Steel Erection Contractor
- S321 - Steel Reinforcing Contractor
- S330 - Landscaping Contractor
- S340 - Sheet Metal Contractor
- S350 - HVAC Contractor
- S351 - Refrigerated Air Conditioning Contractor
- S353 - Warm Air Heating Contractor
- S360 - Refrigeration Contractor
- S370 - Fire Suppression Systems Contractor
- S380 - Swimming Pool and Spa Contractor
- S390 - Sewer and Waste Water Pipeline Contractor
- S410 - Pipeline and Conduit Contractor
- S440 - Sign Installation Contractor
- S450 - Mechanical Insulation Contractor
- S490 - Wood Flooring Contractor
- S600 - General Stucco Contractor

(3) The passing score for each examination is 70%.

(4) Qualifications to sit for examination.

(a) An applicant applying to take any examination specified in this Section must sign an affidavit verifying that an applicant has completed the experience required under Subsection R156-55a-302b.

(5) "Approved trade classification specific examination" means a trade classification specific examination:

(a) given, currently or in the past, by the Division's contractor examination provider; or

(b) given by another state if the Division has determined the examination to be substantially equivalent.

(6) An applicant for licensure who fails an examination may retake the failed examination as follows:

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

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

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) Unless otherwise provided in this rule, all experience shall be lawfully performed under the general supervision of a contractor licensed in the classification applied for or a substantially equivalent classification, and shall be subject to the following:

(i) If the experience was completed in Utah, it shall be:

(A) completed while a W-2 employee of a licensed contractor; or

(B) completed while working as an owner of a licensed contractor, which has for all periods of experience claimed, employed a qualifier who performed the duties and served in the capacities specified in Subsection 58-55-304(4) and in Subsection R156-55a-304.

(ii) If the experience was completed outside of the state of Utah, it shall be:

(A) completed in compliance with the laws of the jurisdiction in which the experience is completed; and

(B) completed with supervision that is substantially equivalent to the supervision that is required in Utah.

(iii) Experience may be determined to be substantially equivalent if lawfully obtained in a setting which has supervision of qualified persons and an equivalent scope of work, such as performing construction activities in the military where licensure is not required.

(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 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 contractor's 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), the qualifier for an applicant for an R100, B100 or E100 license shall [have]demonstrate the following experience:

(i) a minimum of four years experience within the past 10 years[a minimum of four years experience.]; or

(ii) if the applicant's qualifier has previously been approved as a qualifier in the state of Utah, a passing score on the trade examination and the laws and rules examination taken within one year of the date of application to requalify the qualifier's experience.

(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.]~~the qualifier for an applicant for an S220, S280, S290, S320, S350, S360 and S370 license shall demonstrate the following experience:

(a) a minimum of four years experience within the past 10 years; or

(b) if the applicant's qualifier has previously been approved as a qualifier in the state of Utah, a passing score on the trade examination and the laws and rules examination taken within one year of the date of application to requalify the qualifier's experience.

(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 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.]~~demonstrate the following experience:

(a) a minimum of two years experience within the past 10 years; or

(b) if the applicant's qualifier has previously been approved as a qualifier in the state of Utah, a passing score on the trade examination and the laws and rules examination taken within one year of the date of application to requalify the qualifier's experience.

(6) Requirements for S202 Solar Photovoltaic Contractor. In addition to the requirements of 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.

KEY: contractors, occupational licensing, licensing

Date of Enactment or Last Substantive Amendment: [July 9, 2012]2013

Notice of Continuation: October 4, 2011

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)

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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37380

FILED: 03/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R270-1-15 is amended to authorize agency director minimal latitude in negotiating recovery settlements when such settlements appear to be in the best interest of the agency. This amendment allows the agency to collect settlements in a more timely fashion while also providing for the consideration of a proportionate amount of the attorney fees for obtaining the settlements. This amendment places into rule a practice policy the Board has already been using. Section R270-1-20 is amended to require that agency staff do not apply a "misconduct" ruling to scenarios wherein a victim may have been coerced or threatened to participate in any behavior which could otherwise be perceived as misconduct or to any crime of a sexual nature. This amendment is very "victim friendly" and promotes sensitivity toward the nature of sex crimes. The practice, which this amendment makes a rule, has been a matter of policy for the past several years. The Board chose to make it a rule to preserve the practice.

SUMMARY OF THE RULE OR CHANGE: Section R270-1-15 is amended to authorize agency director minimal latitude in negotiating recovery settlements when such settlements appear to be in the best interest of the agency. This amendment allows the agency to collect settlements in a more timely fashion while also providing for the consideration of a proportionate amount of the attorney fees for obtaining the settlements. The current method often requires the delay of the settlement while waiting for the next quarterly board meeting for the board to review and approve the settlement. Section R270-1-20 is amended to require that agency staff do not apply a "misconduct" ruling to scenarios wherein a victim may have been coerced or threatened to participate in any behavior which could otherwise be perceived as misconduct or to any crime of a sexual nature. This amendment is very "victim friendly" and promotes sensitivity toward the nature of sex crimes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63M-7-506(1)(c) and Subsection 63M-7-515(1)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The change in Section R270-1-15 is anticipated to increase the amounts recovered by assuring

personal injury law firms that they will receive a standard proportionate fee for securing settlements to which the agency has a recovery right. The change in Section R270-1-20 is not expected to have any effect on cost or savings as it has been a matter of policy for the past several years.

◆ **LOCAL GOVERNMENTS:** Neither of these amendments should have any effect on local government due to the fact that these rules affect only the interaction and association of the agency with individual crime victims and/or those representing them. Local governments do not interact with the agency, agency's clients, or client representatives on these matters and therefore it is not foreseeable that local governments could be impacted.

◆ **SMALL BUSINESSES:** Both of these amendments should have positive effects on small business by: 1) standardizing settlement negotiations with personal injury attorneys and creating more reliable and equitable payments to them; and 2) creating an environment that motivates the approval of claims under which more victims can receive service and or treatment for their crime related needs and service providers can receive payment from the agency for services they have provided to victims.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** More victims of violent crimes will remain eligible for agency benefits and more victims may be able to recover expenses the agency can not cover through personal injury suits brought by attorneys more confident they will be paid.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only compliance costs associated with both of these amendments are placed upon the agency in complying with the rules as amended, which as previously mentioned, will not have a measurable affect.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Both of these amendments should have positive effects on small business by: 1) standardizing settlement negotiations with personal injury attorneys and creating more reliable and equitable payments to them; and 2) creating an environment that motivates the approval of claims under which more victims can receive service and or treatment for their crime related needs and service providers can receive payment from the agency for services they have provided to victims.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Gary Scheller by phone at 801-238-2362, by FAX at 801-533-4127, or by Internet E-mail at garys@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Gary Scheller, Director

R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-15. Subrogation.

A. Pursuant to Section 63M-7-519, subrogation monies collected from the perpetrator, insurance, etc., will be placed in the Crime Victim Reparations Trust Fund and will not be credited toward a particular victim or claimant award amount.

B. Pursuant to Subsection 63M-7-519(2)(a) and (b), in such instances where a settlement against a third party appears imminent, the Director may reduce by up to 33% the lesser of: (a) the amount paid by the state; or (b) the amount of the settlement. Reduction in excess of 33% shall be determined by the CVRA Board with the concurrence of the Director.

R270-1-20. Misconduct.

Pursuant to Subsections 63M-7-502(22) and 63M-7-512(1)(b) misconduct shall be considered conduct which contributed to the victim's injury or death or conduct which the victim could have reasonably foreseen could lead to injury or death. In determining whether the victim engaged in misconduct, the CVR staff shall consider any behavior of the victim that may have directly or indirectly contributed to the victim's injury or death including consent, provocation, verbal utterance, gesture, incitement, prior conduct of the victim or the ability of the victim to have reasonably avoided the incident upon which the claim is based. CVR staff shall not consider any behavior or action of any victim that is committed by the victim while under the duress or experience of threat, exploitation, coercion or any circumstance absent the victim's own willful desire to participate or any behavior or action committed or perceived to have been committed by the victim of any sex crime when determining whether the victim engaged in misconduct.

KEY: victim compensation, victims of crimes

Date of Enactment or Last Substantive Amendment: [January 7,]2013

Notice of Continuation: June 29, 2011

Authorizing, Implemented or Interpreted Law: 63M-7-501 et seq.

Education, Administration
R277-101
 Utah State Board of Education
 Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37355

FILED: 02/16/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to change the definition of "Board leadership" to make it consistent with the Board bylaws and a statement under public participation is removed because the Board meeting is a public meeting making the statement unnecessary.

SUMMARY OF THE RULE OR CHANGE: The definition of "Board leadership" is changed and a statement is removed in Section R277-101-3 of the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 52-4-1 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The changes to the rule are procedural and no cost or savings are associated with the changes.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The changes to this rule apply to State Board of Education procedures and do not affect local government.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. The changes to this rule apply to State Board of Education procedures and do not affect small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The changes to this rule apply to State Board of Education procedures and do not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes to the rule are procedural and no compliance costs are associated with the changes.

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 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.**R277-101. Utah State Board of Education Procedures.****R277-101-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Board leadership" means the ~~duly elected Utah State Board of Education Chair and Vice-chair~~ Leadership Committee as defined in the Board Bylaws.

C. "Chair" means duly elected Chairperson of the Board, Vice-chair, or Chair of a Board standing committee.

D. "Conflict of interest" means a business, family, monetary or relationship concern that may cause a reasonable person to be unduly influenced or that creates the appearance of undue influence.

E. "Health, safety, and welfare of students" means such concerns as adequate and safe buildings and facilities and transportation vehicles, required immunizations and health screenings, required criminal background checks and reviews on potential teachers and employees, required curriculum that allows for complete transferability of credit and other similar standards and protections.

F. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

G. "Official action" taken by local education agency (LEA) boards means action taken in appropriately advertised board meetings, where votes and minutes are recorded and available for public review.

H. "State or federal law or regulations" means federal law and regulations including Department of Agriculture regulations that govern the Child Nutrition Program as it operates in Utah public schools, the Individuals with Disability Education Act (IDEA), including federal and state implementing regulations and state administrative rules.

I. "USOE" means the Utah State Office of Education.

R277-101-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 52-4-1 which directs that the actions of the Board be taken openly and that its deliberations be conducted openly and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe procedures to be followed by the Board in its conduct of the public's business in order to:

- (1) hear from those who desire to be heard on public education matters in the state;
- (2) effectively and efficiently utilize the time of the Board;
- (3) enable staff to provide timely and essential information; and
- (4) balance desire for public information with other demands on the Board's time.

R277-101-3. Public Participation.

A. Citizens may attend meetings of the Board. The Board welcomes public participation during Board meetings.

B. Citizens may speak to the Board when acknowledged and recognized by the Board Chair:

(a) to issues not on the agenda during the time designated for public comment.

(i) Priority shall be given to those individuals or groups who, prior to the meeting, have submitted a written request to address the Board, including a brief description of the issue to be addressed.

(ii) No action shall be taken by the Board during the public comment portion of the meeting.

(iii) At the Board's discretion, a Board member may request that an item raised during public comment be placed on a future agenda for possible action.

(iv) The Chair may limit the time available for individual comments; number of comments and time limits shall be stated prior to the public comment portion of the agenda.

(v) The Chair may request groups to designate a spokesperson.

(b) to items on the agenda during the time designated for public comment, or at the discretion of and as invited by the Chair, when the item is properly before the Board or committee. The Chair may request that public comments be provided in writing.

C. All presentations to the Board or one of its committees shall exemplify courteous behavior and appropriate language.

~~[D. Following any presentation to the Board or one of its committees, individuals and groups may remain as spectators at the meeting.]~~

[E]D. Additional comments to the Board or committees may only be made as recognized and invited by the Board Chair during a meeting.

R277-101-4. Reconsideration on Previous Board Action.

A. The Board has discretion to reconsider any decision it has made.

B. A motion to reconsider shall be made in a meeting of the Board that satisfies requirements of Section 52-4 by a Board member who voted on the prevailing side of the previous Board vote.

C. A motion to reconsider requires a second.

D. A motion to reconsider a previous Board decision shall be ruled in order by the Board Chair only with adequate time for Board members to receive information and discuss the issue, as determined by the presiding Board officer.

E. The Board Chair shall determine the procedures for the reconsideration discussion; for instance:

(1) The Board Chair shall determine if the Board shall accept public testimony and how long the discussion shall continue;

(2) The Board Chair shall determine if the reconsideration vote may take place at the next regularly scheduled Board meeting if such meeting allows time for adequately providing information to Board members;

(3) The Board Chair shall determine if more information is necessary prior to a vote, even if the Board vote is to be held at the same Board meeting.

F. The Board shall consider and hear available evidence, including documentation of detrimental or positive consequences specifically to LEAs or other entities, that may occur if the Board reverses a previous decision.

G. The motion to reconsider shall pass if two-thirds of the total membership of the Board votes in favor of the motion.

H. If a motion to reconsider fails, the Board shall not consider a motion on the same or substantially similar motion to reconsider in the same meeting.

I. A Board vote taken upon reconsideration of the same or substantially similar issue is the administrative decision by the Board.

R277-101-5. Board Waiver of Administrative Rules.

A. Criteria for waiver of Board Rules:

(1) The Board shall consider waiver requests consistent with its constitutional responsibility for general control and supervision of the public education system.

(2) Prior to waiver, the Board shall consider whether a local board's or local charter governing board's request could be accomplished through means other than waiver of Board rules.

(3) The Board shall waive rules only following a thorough review of available data and shall make data driven decisions.

(4) The Board shall not waive rules:

(a) that are required by and adopt criteria from federal or state law or regulations;

(b) that negatively affect the health, safety or welfare of public education students;

(c) if the waiver could reasonably result in discrimination or harassment of public school students or employees;

(d) that benefit one element or segment of the public education system to the detriment of another.

(5) Waivers shall always include an effective time period for the waiver, public review and accountability provisions and a sunset date.

(6) Prior to consideration by the Board, waivers requested by charter schools shall be presented to and considered by the State Charter School Board. Information and documentation of this action shall be available to the Board.

(7) All Board evaluations, considerations, and decisions shall be made in the Board's sole discretion.

B. Procedures for waiver of Board rules:

(1) A local board of education or a charter school governing board may request a waiver from Board rule(s) in writing consistent with USOE timelines and on forms available from the USOE by submitting to the Board a written request showing a vote by the local board requesting the waiver in an open board meeting.

(2) Complete waiver requests shall be reviewed first by a Board Committee during a regularly scheduled Board meeting.

(3) The Board Committee designated by Board leadership shall review the request, solicit additional information or testimony,

if helpful, and make a recommendation for consideration by the full Board of Education.

(4) Board leadership or a Board Committee shall make a reasonable determination of the time or Committee meetings necessary for careful review of request(s) for waiver of Board rules; Board leadership may consolidate consideration of duplicate or similar requests.

(5) At a minimum, the following shall be required from LEAs seeking a waiver of Board rules:

(a) student achievement data that support the requested waiver;

(b) data demonstrating the cost effectiveness, without sacrificing student achievement, of the waiver request;

(c) a draft proposed agreement that outlines USOE and local board responsibilities, data gathering and reporting timelines if a waiver is granted by the Board.

(6) Upon direction by the Board, an LEA shall make a presentation to an assigned Board Committee.

(7) Board leadership shall notify the local board of a proposed timeline for the Board to consider the request for waiver and provide a written decision, including an agreement between the Board and the local governing board, to the local board.

C. Public process and documents:

(1) Materials presented to the Board by the local board shall be public documents.

(2) Materials and draft agreements between the Board and the local board shall be protected draft documents.

(3) Final agreements between the Board and local governing boards shall be public documents and available for review by the public upon request consistent with the provisions of Title 63G, Chapter 2.

(4) Any breach of confidentiality while the discussion of agreements is in progress may compromise the fairness of the Board decision and may delay the discussion or Board decision or both.

KEY: school boards, open government

Date of Enactment or Last Substantive Amendment: ~~September 21, 2012~~ 2013

Notice of Continuation: August 1, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 52-4-1; 53A-1-401(3)

Education, Administration **R277-113** LEA Fiscal Policies and Accountability

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 37356

FILED: 02/16/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to require local education agencies (LEAs) to formally adopt and implement policies regarding the management and use of public funds.

SUMMARY OF THE RULE OR CHANGE: The new rule provides Utah State Board of Education (Board) and local education agency (LEA) responsibilities, requirements for LEA fiscal and financial policies, and compliance requirements for LEAs.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(e)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Training and informational materials and model policies will be developed by existing staff at the Utah State Office of Education (USOE) within existing budgets.

◆ **LOCAL GOVERNMENTS:** LEAs will develop policies and provide training consistent with the requirements of this rule. It is presumed that policies, materials, training and other resources will be developed and implemented by existing LEA staff and within existing LEA budgets.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small business. This new rule applies to public education and does not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This rule and the requirements under this rule apply to LEAs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The USOE and LEAs will develop policies and provide materials and training consistent with this rule.

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 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-113. LEA Fiscal Policies and Accountability.

R277-113-1. Definitions.

A. "Arm's length transaction" means a transaction between two unrelated, independent and unaffiliated parties or a transaction between two parties acting in their own self interest that is conducted as if the parties were strangers so that no conflict of interest exists.

B. "Board" means the Utah State Board of Education.

C. "Exclusive contract or arrangement" means an agreement requiring a buyer to purchase or exchange all needed goods or services from one seller.

D. "Internal controls" are procedures designed to safeguard assets, detect errors and misappropriations, produce timely and accurate financial reports, and ensure compliance with laws and rules.

E. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and for purposes of this rule, the Utah Schools for the Deaf and the Blind.

F. "Management" means an LEA superintendent or director, deputy or associate, business administrator or manager, or other educational administrator or designated staff.

G. "Public funds" (Utah Code Section 51-7-3(25)) means money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the state or any of its political subdivisions including LEAs or other public bodies.

H. "School sponsored" means an activity, fundraising event, club, camp, clinic or other event or activity that is authorized by a specific LEA or public school which supports the LEA or authorized school club, activity, sport, class or program, that also satisfies at least one of the following conditions:

(1) it is managed or supervised by an LEA or public school, or LEA or public school employee;

(2) it uses the LEA or public school's facilities, equipment, or other school resources; or

(3) it is supported or subsidized, more than inconsequently, by public funds, including the public school's activity funds or minimum school program dollars.

I. "Utah Public Officers' and Employees' Ethics Act" (Utah Code Sections 67-16-1 through 15) means an Act that provides standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between their public duties and their private interests.

R277-113-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and by Section 53A-1-402(1)(e) which directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures.

B. The purpose of this rule is to (1) require LEAs to formally adopt and implement policies regarding the management and use of public funds; (2) provide minimum standards, procedures and definitions for LEA policies; (3) direct that LEAs make policies, procedures and training materials available to the public and readily accessible on LEA or public school websites, to the extent of resources available; (4) require LEAs to train employees in appropriate financial practices, necessary accounting procedures and ethical financial practices; and (5) provide for consistency among LEAs regarding fiscal policies, procedures and accountability practices.

R277-113-3. Board Responsibilities.

A. The Board shall provide training and informational materials and model policies for use by LEAs in developing LEA and public school-specific financial policies about the use and management of public funds before March 31, 2013.

B. The Board shall provide online training and resources for LEAs regarding the use and management of public funds and ethical practices for licensed Utah educators who manage, control, participate in fundraising, or expend public funds before March 31, 2013.

C. The Board may provide and establish a cycle for state review of LEA fiscal policies and standards.

D. The Board shall work with and provide information upon request to the Utah State Auditors Office, the Legislative Fiscal Auditors and other state agencies with the right to information from the Utah State Office of Education.

R277-113-4. LEA Responsibilities.

A. LEAs shall develop, have approved by local/charter boards and implement the fiscal policies required in R277-113-5 before September 15, 2013. These policies shall be in writing.

B. LEAs shall also develop a plan for training LEA and public school employees, at least annually, on policies enacted by the LEA specific to job function.

(1) These policies shall be available at each LEA main office, at individual public schools, and on the LEA's website.

(2) The LEA fiscal policies and training may have different components, specificity, and levels of complexity for public elementary and secondary schools.

(3) LEAs may have one policy or more than one satisfying the minimum requirements of this rule.

(4) An LEA policy shall address how often the policy shall be reviewed, including periodic updates or training and resource manuals.

(5) An LEA policy may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the LEA policy.

C. An LEA shall designate board members to serve on an audit or finance committee. The LEA audit or finance committee has the following responsibilities:

(1) ensuring that management properly develops and adheres to a sound system of internal controls consistent with the requirements of R277-113-5;

(2) receiving a report of the risk assessment process undertaken by management in developing the system of internal controls;

(3) developing a process to review financial information, financial statements, and LEA and individual school records on a regular basis;

(4) ensuring that management conducts a competitive RFP process to hire external auditors and other professional services and making a recommendation to the LEA board on the results of the RFP process consistent with the State Procurement Code;

(5) receiving communication from or meeting with the external auditors annually and receiving a direct report of the audit findings, exceptions, and other matters noted by the auditor;

(6) reporting the annual audit reports and findings or other matters communicated by the external auditor or other regulatory bodies to the LEA board in a public meeting;

(7) ensuring that matters reported by external audits, internal audits, or other regulatory bodies are resolved in a timely manner.

D. The definition of school sponsored and requirements of R277-113-4F do not apply to activities, fundraising events, clinics, clubs, camps, or activities organized by a third party which have not been designated by the LEA as school sponsored. All transactions pertaining to nonschool sponsored events shall be conducted at arm's length; revenues and expenditures shall not be commingled with public funds.

E. For nonschool sponsored events, funds may be managed or held by a public school employee, only consistent with R277-107.

F. LEAs and individual public schools shall comply with the following regarding school and nonschool sponsored activities:

(1) may enter into contractual agreements to allow for fundraising and use of LEA facilities. An agreement shall take into consideration the LEA's fiduciary responsibility for the management and use of public funds. LEAs should consult with the LEA insurer or legal counsel, or both, to ensure risks are adequately considered and managed;

(2) shall annually review fundraising activities that support or subsidize LEA or public school-authorized clubs, activities, sports, classes or programs to determine if the activities are school sponsored consistent within R277-113-1H;

(3) shall ensure that revenues raised from school sponsored activities and funds expended from the proceeds are considered public funds consistent with R277-113-1G;

(4) shall maintain adequate records to ensure that funds collected from or during school sponsored activities are in compliance with LEA cash handling policies as required by R277-113-5;

(5) shall maintain adequate records to show that expenditures made to support activities from LEA or public school funds are in compliance with LEA expenditure of funds policies as required by R277-113-5;

(6) shall make records of activities available to parents, students, and donors and shall maintain the records in sufficient detail to track individual contributions and expenditures as well as overall financial outcome. Records may be private or protected consistent with Sections 63G-2-302, 303, 305, and the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g;

G. Public Education Foundations established by LEAs shall follow the requirements provided in Section 53A-4-205.

R277-113-5. Required LEA Fiscal Policies.

A. The following fiscal policies shall be required in each LEA. LEAs shall ensure that each policy addresses the specific Utah Code references or Board Rules in each section. The required items are minimum requirements. LEAs may include other related items, provide LEA specific policy and guidance, and set policies that are more restrictive and inclusive than the minimum provisions established by the Board.

B. LEAs shall ensure that policies address applicable elements from the Utah Public Officers' and Employees' Ethics Act, Utah Educator Standards (R277-515), and the definition of public funds.

C. LEA fiscal policies shall address the following:

(1) Cash Handling: The LEA cash handling policy shall address cash receipts (cash, checks, credit cards, and other items) collected at the LEA and individual public schools through school sponsored activities and shall include:

(a) establishment of internal controls and procedures over the collection, deposit, and reconciliation of cash receipts received;

(b) compliance with Utah Code 51-4-2(2) regarding deposits.

(2) Expenditure of Public Funds: The LEA expenditure policy shall address expenditures made by checks, electronic transfers and credit/debit cards that are made by the LEA and individual public schools through school sponsored activities and shall include:

(a) establishment of internal controls and procedures over the initiation, approval and monitoring of expenditures, credit or debit card transactions, employee reimbursements, travel, and payroll;

(b) directives regarding the appropriate use of the LEA tax exempt status number;

(c) compliance with Section 63G-6a-1204(7) regarding length of multi-year contracts;

(d) compliance with Section 63G-6-201 et seq. procurement state law and Board rule regarding construction and improvements, and compliance with Title IX; and

(e) procedures and documentation maintained by the LEA if the LEA chooses to enter into exclusive contracts or arrangements consistent with state procurement law and the LEA procurement policy.

(3) Fundraising: The LEA fundraising policy shall establish procedures for LEA and public school fundraising in general, establish an approval process for fundraising activities, school sponsored activities, provide for compliance with school fee and fee waiver provisions, and shall include:

(a) specific designation of employees by title or job description who are authorized to approve fundraising, school sponsored activities, and grant fee waivers with appropriate attention to student and family confidentiality;

(b) establishment of internal controls and procedures over the approval of fundraising and school sponsored activities and compliance with associated cash handling and expenditure policies;

(c) directives regarding the appropriate use of the LEA tax exempt status number, and issuance of charitable donation receipts;

(d) procedures governing LEA or public school employee interaction with parents, donors, and nonschool sponsored organizations;

(e) disclosure requirements for LEA and public school employees approving or otherwise managing or overseeing fundraising activities who also have a financial or controlling interest or access to bank accounts in the fundraising organization or company.

(f) This policy shall be in harmony with Article X of the Utah Constitution establishing a free public education system, with R277-407 regarding school fees, and compliance with Title IX.

(g) The LEA may include procedures governing student participation and incentives offered to students, allowable types of fundraising activities, and participation in school sponsored activities by volunteer or outside organizations.

(4) Donations and Gifts: The LEA donation and gift policy shall establish acceptance and approval process for monetary donations, donations and gifts with donor restrictions, donations of gifts, goods, materials or equipment, and funds or items designated for construction or improvements of facilities, and shall include:

(a) establishment of internal controls and procedures over the acceptance and approval of donations and gifts and compliance with associated cash handling and expenditure policies;

(b) directives regarding the appropriate use of the LEA tax exempt status number, and issuance of charitable donation receipts;

(c) procedures regarding the objective valuation of donations or gifts if advertising or other services are offered to the donor in exchange for a donation or gift;

(d) procedures governing LEA or public school employee conduct with parents, donors, and nonschool sponsored organizations;

(e) procedures establishing provisions to direct donations or gifts to the LEA or LEA programs, individual public school or public school programs, and restricting donations from being directed at specific LEA employees, individual students, vendors, or brand name goods or services;

(f) compliance with Title 63G, Chapter 6 regarding the procurement code, state law and Board rule regarding construction and improvements, IRS regulations and tax deductible directives, and compliance with Title IX.

(g) The LEA may include procedures for accepting donations and gifts through an LEA's legally organized foundation, if applicable, or procedures for recognition of donors, or granting naming rights.

R277-113-6. LEA Financial Policies and Compliance with State and Federal Law.

A. LEAs are responsible to ensure that policies comply with the following state laws and Board Rules:

(1) Utah Constitution Article X, Section 3;

(2) Utah Code 63G-6a, Utah Procurement Code;

(3) Utah Code 51-4, Deposit of Funds Due State;

(4) Utah Code 67-16, Utah Public Officers' and Employees' Ethics Act;

(5) 20 U.S.C. Section 1232g, Family Educational Rights and Privacy Act;

(6) Utah Code 63G-2, Government Records Access and Management Act;

(7) Utah Code Section 53A-12, Fees and Textbooks;

(8) Utah Code Section 53A-4-205, Public Education Foundations;

(9) R277-407, School Fees:

(10) R277-107, Educational Services Outside of Educator's Regular Employment:

(11) R277-515, Utah Educator Standards:

B. In establishing policies and providing staff training, LEAs shall consider requirements of Title IX, including:

(1) Fundraising shall equitably benefit boys and girls;

(2) Boys and girls shall have reasonably equal access to facilities, fields and equipment;

(3) School sponsored activities shall be reasonably equal for boys and girls.

KEY: school sponsored activities, public funds, fiscal policies and procedures, audit committee

Date of Enactment or Last Substantive Amendment: 2013

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-401(3); 53A-1-402(1)(e)

Environmental Quality, Water Quality R317-1-1 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37366

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Four definitions were added to support the concurrent changes related to biological water quality assessment criteria at Section R317-2-7. The numbering for the individual definitions was deleted to avoid having to change references throughout the water quality rules when a definition is added or deleted.

SUMMARY OF THE RULE OR CHANGE: Definitions were added for biological assessment, biological criteria, human-induced stressor, and use attainability analysis. The numbers for each definition in the section were deleted.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Federal Clean Water Act Chapter 26 Sec. 1251, 1311 and Section 19-5-105 and Section 19-5-110

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** No impact to state budget is anticipated. The proposed amendments add four definitions that do not add any requirements or cause actions that would affect the state budget.

♦ **LOCAL GOVERNMENTS:** No impact to local government is anticipated. The proposed amendments add four definitions that do not add any requirements or cause actions that would affect local governments.

♦ **SMALL BUSINESSES:** No impacts to small businesses are anticipated. The proposed amendments add four definitions

that do not add any requirements or cause actions that would affect small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No impacts to other persons are anticipated. The proposed amendments add four definitions that do not add any requirements or cause actions that would affect other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments add four definitions that do not add any requirements or cause actions that would affect compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Four definitions were added to support the concurrent changes related to biological water quality assessment criteria at Section R317-2-7. The proposed amendments do not add any requirements or cause actions that would have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY

WATER QUALITY

THIRD FLOOR

195 N 1950 W

SALT LAKE CITY, UT 84116

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Dave Wham by phone at 801-536-4337, by FAX at 801-536-4301, or by Internet E-mail at dwham@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 04/03/2013 06:00 PM, Multi-State Office Building, 195 N 1950 W, Room 1015, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality.

R317-1. Definitions and General Requirements.

R317-1-1. Definitions.

[+ + -] "Assimilative Capacity" means the difference between the numeric criteria and the concentration in the waterbody of interest where the concentration is less than the criterion.

"Biological assessment" means an evaluation of the biological condition of a water body using biological surveys and other direct measurements of composition or condition of the resident living organisms.

"Biological criteria" means numeric values or narrative descriptions that are established to protect the biological condition of the aquatic life inhabiting waters that have been given a certain designated aquatic life use.

[1.2-] "Board" means the Utah Water Quality Board.

[1.3-] "BOD" means 5-day, 20 degrees C. biochemical oxygen demand.

[1.4-] "Body Politic" means the State or its agencies or any political subdivision of the State to include a county, city, town, improvement district, taxing district or any other governmental subdivision or public corporation of the State.

[1.5-] "Building sewer" means the pipe which carries wastewater from the building drain to a public sewer, a wastewater disposal system or other point of disposal. It is synonymous with "house sewer".

[1.6-] "CBOD" means 5-day, 20 degrees C., carbonaceous biochemical oxygen demand.

[1.7-] "COD" means chemical oxygen demand.

[1.8-] "Deep well" means a drinking water supply source which complies with all the applicable provisions of the State of Utah Public Drinking Water Regulations.

[1.9-] "Digested sludge" means sludge in which the volatile solids content has been reduced to about 50% by a suitable biological treatment process.

[1.10-] "Division" means the Utah State Division of Water Quality.

[1.11-] "Domestic wastewater" means a combination of the liquid or water-carried wastes from residences, business buildings, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, and with such ground water, surface water, and storm water as may be present. It is synonymous with the term "sewage".

[1.12-] "Effluent" means the liquid discharge from any unit of a wastewater treatment works, including a septic tank.

[1.13-] "Existing Uses" means those uses actually attained in a water body on or after November 28, 1975, whether or not they are included in the water quality standards.

"Human-induced stressor" means perturbations directly or indirectly caused by humans that alter the components, patterns, and/or processes of an ecosystem.

[1.14-] "Human pathogens" means specific causative agents of disease in humans such as bacteria or viruses.

[1.15-] "Industrial wastes" means the liquid wastes from industrial processes as distinct from wastes derived principally from dwellings, business buildings, institutions and the like. It is synonymous with the term "industrial wastewater".

[1.16-] "Influent" means the total wastewater flow entering a wastewater treatment works.

[1.17-] "Great Salt Lake impounded wetland" means wetland ponds which have been formed by dikes or berms to control and retain the flow of freshwater sources in the immediate proximity of Great Salt Lake.

[1.18-] "Large underground wastewater disposal system" means the same type of device as an onsite wastewater system except that it is designed to handle more than 5,000 gallons per day of domestic wastewater, or wastewater that originates in multiple dwellings, commercial establishments, recreational facilities, schools, or any other underground wastewater disposal system not covered

under the definition of an onsite wastewater system. The Board controls the installation of such systems.

[1.19-] "Onsite wastewater system" means an underground wastewater disposal system for domestic wastewater which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums and twin homes. It usually consists of a building sewer, a septic tank and an absorption system.

[1.20-] "Operating Permit" is a State issued permit issued to any wastewater treatment works covered under Rules R317-3 or R317-5 with the following exceptions:

A. Any wastewater treatment permitted under Ground Water Quality Protection R317-6.

B. Any wastewater treatment permitted under Underground Injection Control (UIC) Program R317-7.

C. Any wastewater treatment permitted under Utah Pollutant Discharge Elimination System (UPDES) R317-8.

D. Any wastewater treatment permitted under Approvals and Permits for a Water Reuse Project R317-13.

E. Any wastewater treatment permitted by a Local Health Department under Onsite Wastewater Systems R317-4.

[1.21-] "Person" means any individual, corporation, partnership, association, company, or body politic, including any agency or instrumentality of the United States government (Section 19-1-103).

[1.22-] "Point source" means any discernible, confined and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flow from irrigated agriculture.

[1.23-] "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

[1.24-] "Sewage" is synonymous with the term "domestic wastewater".

[1.25-] "Shallow well" means a well providing a source of drinking water which does not meet the requirements of a "deep well".

[1.26-] "Sludge" means the accumulation of solids which have settled from wastewater. As initially accumulated, and prior to treatment, it is known as "raw sludge".

[1.27-] "SS" means suspended solids.

[1.28-] Total Maximum Daily Load (TMDL) means the maximum amount of a particular pollutant that a waterbody can receive and still meet state water quality standards, and an allocation of that amount to the pollutant's sources.

[1.29-] "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing or holding wastes. (Section 19-5-102).

[1.30-] "TSS" means total suspended solids.

[1.31-] "Underground Wastewater Disposal System" means a system for underground disposal of domestic wastewater. It includes onsite wastewater systems and large underground wastewater disposal systems.

"Use Attainability Analysis" means a structured scientific assessment of the factors affecting the attainment of the uses specified in Section 101(a) (2) of the Clean Water Act. The factors to be considered in such an analysis include the physical, chemical, biological, and economic use removal criteria as described in 40 CFR 131.10(g) (1-6).

[1.32—]"Wastes" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. (Section 19-5-102).

[1.33—]"Wastewater" means sewage, industrial waste or other liquid substances which might cause pollution of waters of the state. Intercepted ground water which is uncontaminated by wastes is not included.

[1.34—]"Waters of the state" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Section 19-5-102).

KEY: water pollution, waste disposal, industrial waste, effluent standards

Date of Enactment or Last Substantive Amendment: [~~September 26, 2012~~]**2013**

Notice of Continuation: **October 2, 2012**

Authorizing, and Implemented or Interpreted Law: **19-5**

Environmental Quality, Water Quality R317-2 Standards of Quality for Waters of the State

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37361

FILED: 02/26/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A new Biological Water Quality Assessment and Criteria is proposed as Subsection R317-2-7(7.3). The Division of Water Quality (DWQ) has been collecting biological data since early after the inception of the Division. DWQ began incorporating biological data to assess water quality throughout the state starting in 2008. To officially formalize the biological assessment process and to avoid litigation in light of recent court rulings concerning water quality assessments as de-facto standards (Florida Impaired

Waters Rule case), DWQ invited and assembled stakeholders from various disciplines to form a Biological Standards Subworkgroup in September 2011. DWQ's goal was to draft a biological criterion that is consistent with the current DWQ biological assessment process while being sensitive to language that may have unintentional consequences to our stakeholders. After a little more than a year of language refinement and addressing the concerns expressed by workgroup members, the biological criterion received the approval from the Water Quality Standards Workgroup and preliminary approval from EPA in December 2012. With the adoption of the biological criterion, DWQ will have the legal standing to confidently continue the biological assessment process and enhance the program to benefit the other sectors of DWQ. DWQ intends to continue meeting with the Biological Standards Subworkgroup to address proposed amendments to the rule and as new opportunities are explored to improve the effectiveness of the biological assessment program. In Section R317-2-3, specifics to state certification that water quality will be protected under the Clean Water Act Section 401 are proposed for deletion. The deleted requirements are either being moved or revised in the concurrently proposed new rule R317-15. The name of the inlet creek to Mona Reservoir is proposed to be changed from Burrison Creek to Currant Creek. USGS maps and "Utah's Priority Lakes and Reservoirs" describe the inlet and outlet stream as Currant Creek. Subsection R317-2-13(13.5)(c) currently lists the outlet stream as Currant Creek. This change would not change any of the designated uses. The purpose of this change is to eliminate the confusion regarding the name of the inlet creek. (DAR NOTE: The proposed new rule R317-15 is under DAR No. 37362 in this issue, March 15, 2013, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: A new Subsection R317-2-7(7.3), Biological Water Quality Assessment and Criteria, is proposed. Additional revisions were made to Subsections R317-2-7(7.1) and R317-2-7(7.2) to accommodate the new Subsection R317-2-7(7.3). Section R317-2-3 was revised to delete the requirements for Clean Water Act Section 401 water quality certifications because these requirements are replaced or revised by the new proposed rule R317-15. Other clarifications to the wording in Section R317-1-3 were made to avoid confusion. The name of Burrison Creek in Subsection R317-2-13(13.5)(c) is proposed to be changed to Currant Creek.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 33 U.S.C. 1251 et seq. and Section 19-5-105 and Section 19-5-110

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The new Subsection R317-2-7(7.3) codifies procedures already being implemented by the DWQ. These procedures will continue to be conducted with existing resources and no new costs or savings are anticipated. The deleted requirements in Section R317-2-3 are being moved to new rule R317-15 resulting in no net change in requirements. Therefore, no additional costs or savings are anticipated. The

name change from Burriston Creek to Currant Creek will not result in additional costs or savings.

◆ **LOCAL GOVERNMENTS:** The changes put no additional resource burdens on local governments. The additions to Section R317-2-7 are used as a tool primarily by DWQ to assess water quality and support of the designated uses. Local governments may however elect to conduct optional biological assessments to support site-specific standards that could result in savings if unnecessary effluent treatment is avoided. The deletions to Section R317-2-3 do not change requirements because they are being moved to the new rule R317-15. The Burriston Creek name change is housekeeping.

◆ **SMALL BUSINESSES:** The changes put no additional resource burdens on small businesses. The additions to Section R317-2-7 are used as a tool primarily by DWQ to assess water quality and support of the designated uses. Small businesses may however elect to conduct optional biological assessments to support site-specific standards that could result in savings if unnecessary effluent treatment is avoided. The deletions to Section R317-2-3 do not change requirements because they are being moved to the new rule R317-15. The name change for Burriston Creek is housekeeping.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The changes put no additional resource burdens on other persons. The additions to Section R317-2-7 are used primarily by DWQ as a method to assess water quality and support of the designated uses. Other persons may however elect to conduct optional biological assessments to support site-specific standards that could result in savings if unnecessary effluent treatment is avoided. The deletions to Section R317-2-3 do not change requirements because they are being moved to the new rule R317-15. The Burriston Creek name change is housekeeping.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed additions to Section R317-2-7 will not incur compliance costs because the proposed biological standard is a tool used primarily by DWQ to assess if water quality is sufficient to support the designated uses in accordance with the requirements of Subsection R317-2-7(7.1). The deletions do not have associated compliance costs. The name change for Burriston Creek is a housekeeping change that does not affect the existing standards associated with this creek.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes are not anticipated to result in fiscal impacts on businesses because the additions to Section R317-2-7 are used primarily by DWQ as a method to assess water quality and support of the designated uses in accordance with the requirements of Subsection R317-2-7(7.1). The deletions to Section R317-2-3 do not change requirements because they are being moved to the new rule R317-15. The Burriston Creek name change is housekeeping.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Judy Etherington by phone at 801-536-4344, by FAX at 801-536-4301, or by Internet E-mail at jetherington@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 04/03/2013 06:00 PM, Multi-State Office Building, 195 N 1950 W, Room 1015, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 05/15/2013

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality.

R317-2. Standards of Quality for Waters of the State.

R317-2-3. Antidegradation Policy.

3.1 Maintenance of Water Quality

Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the Board, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. However, existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses.

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Federal Clean Water Act.

3.2 Category 1 Waters

Waters which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as Category 1 Waters. New point source discharges of wastewater, treated or otherwise, are prohibited in such segments after the effective date of designation. Protection of such segments from pathogens in diffuse, underground sources is covered in R317-5 and R317-7 and the Regulations for Individual Wastewater Disposal Systems (R317-501 through R317-515). Other diffuse sources (nonpoint sources) of wastes shall be controlled to the extent

feasible through implementation of best management practices or regulatory programs.

Discharges may be allowed where pollution will be temporary and limited after consideration of the factors in R317-2-3.5.b.4., and where best management practices will be employed to minimize pollution effects.

Waters of the state designated as Category 1 Waters are listed in R317-2-12.1.

3.3 Category 2 Waters

Category 2 Waters are designated surface water segments which are treated as Category 1 Waters except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality. Discharges may be allowed where pollution will be temporary and limited after consideration of the factors in R317-2-3.5.b.4., and where best management practices will be employed to minimize pollution effects. Waters of the state designated as Category 2 Waters are listed in R317-2-12.2.

3.4 Category 3 Waters

For all other waters of the state, point source discharges are allowed and degradation may occur, pursuant to the conditions and review procedures outlined in Section 3.5.

3.5 Antidegradation Review (ADR)

An antidegradation review will determine whether the proposed activity complies with the applicable antidegradation requirements for receiving waters that may be affected.

An antidegradation review (ADR) may consist of two parts or levels. A Level I review is conducted to insure that existing uses will be maintained and protected.

Both Level I and Level II reviews will be conducted on a parameter-by-parameter basis. A decision to move to a Level II review for one parameter does not require a Level II review for other parameters. Discussion of parameters of concern is those expected to be affected by the proposed activity.

Antidegradation reviews shall include opportunities for public participation, as described in Section 3.5e.

a. Activities Subject to Antidegradation Review (ADR)

1. For all State waters, antidegradation reviews will be conducted for proposed federally regulated activities, such as those under Clean Water Act Sections 401 (FERC and other Federal actions), 402 (UPDES permits), and 404 (Army Corps of Engineers permits). The Executive Secretary may conduct an ADR on any projects with the potential for major impact on the quality of waters of the state. The review will determine whether the proposed activity complies with the applicable antidegradation requirements for the particular receiving waters that may be affected.

2. For Category 1 Waters and Category 2 Waters, reviews shall be consistent with the requirement established in Sections 3.2 and 3.3, respectively.

3. For Category 3 Waters, reviews shall be consistent with the requirements established in this section

b. An Anti-degradation Level II review is not required where any of the following conditions apply:

1. Water quality will not be lowered by the proposed activity or for existing permitted facilities, water quality will not be further lowered by the proposed activity, examples include situations where:

(a) the proposed concentration-based effluent limit is less than or equal to the ambient concentration in the receiving water during critical conditions; or

(b) a UPDES permit is being renewed and the proposed effluent concentration and loading limits are equal to or less than the concentration and loading limits in the previous permit; or

(c) a UPDES permit is being renewed and new effluent limits are to be added to the permit, but the new effluent limits are based on maintaining or improving upon effluent concentrations and loads that have been observed, including variability; or

2. Assimilative capacity (based upon concentration) is not available or has previously been allocated, as indicated by water quality monitoring or modeling information. This includes situations where:

(a) the water body is included on the current 303(d) list for the parameter of concern; or

(b) existing water quality for the parameter of concern does not satisfy applicable numeric or narrative water quality criteria; or

(c) discharge limits are established in an approved TMDL that is consistent with the current water quality standards for the receiving water (i.e., where TMDLs are established, and changes in effluent limits that are consistent with the existing load allocation would not trigger an antidegradation review).

Under conditions (a) or (b) the effluent limit in an UPDES permit may be equal to the water quality numeric criterion for the parameter of concern.

3. Water quality impacts will be temporary and related only to sediment or turbidity and fish spawning will not be impaired,

4. The water quality effects of the proposed activity are expected to be temporary and limited. As general guidance, CWA Section 402 general discharge permits, CWA Section 404 [nationwide and] general permits, or activities of short duration, will be deemed to have a temporary and limited effect on water quality where there is a reasonable factual basis to support such a conclusion. [The 404 nationwide permits decision will be made at the time of permit issuance, as part of the Division's water quality certification under CWA Section 401. Where it is determined that the category of activities will result in temporary and limited effects, subsequent individual activities authorized under such permits will not be subject to further antidegradation review.] Factors to be considered in determining whether water quality effects will be temporary and limited may include the following:

(a) Length of time during which water quality will be lowered.

(b) Percent change in ambient concentrations of pollutants of concern

(c) Pollutants affected

(d) Likelihood for long-term water quality benefits to the segment (e.g., dredging of contaminated sediments)

(e) Potential for any residual long-term influences on existing uses.

(f) Impairment of the fish spawning, survival and development of aquatic fauna excluding fish removal efforts.

c. Anti-degradation Review Process

For all activities requiring a Level II review, the Division will notify affected agencies and the public with regards to the requested proposed activity and discussions with stakeholders may be held. In the case of Section 402 discharge permits, if it is determined that a discharge will be allowed, the Division of Water Quality will develop any needed UPDES permits for public notice following the normal permit issuance process.

The ADR will cover the following requirements or determinations:

1. Will all Statutory and regulatory requirements be met?

The Executive Secretary will review to determine that there will be achieved all statutory and regulatory requirements for all new and existing point sources and all required cost-effective and reasonable best management practices for nonpoint source control in the area of the discharge. If point sources exist in the area that have not achieved all statutory and regulatory requirements, the Executive Secretary will consider whether schedules of compliance or other plans have been established when evaluating whether compliance has been assured. Generally, the "area of the discharge" will be determined based on the parameters of concern associated with the proposed activity and the portion of the receiving water that would be affected.

2. Are there any reasonable less-degrading alternatives?

There will be an evaluation of whether there are any reasonable non-degrading or less degrading alternatives for the proposed activity. This question will be addressed by the Division based on information provided by the project proponent. Control alternatives for a proposed activity will be evaluated in an effort to avoid or minimize degradation of the receiving water. Alternatives to be considered, evaluated, and implemented to the extent feasible, could include pollutant trading, water conservation, water recycling and reuse, land application, total containment, etc.

For proposed UPDES permitted discharges, the following list of alternatives should be considered, evaluated and implemented to the extent feasible:

- (a) innovative or alternative treatment options
- (b) more effective treatment options or higher treatment levels
- (c) connection to other wastewater treatment facilities
- (d) process changes or product or raw material substitution
- (e) seasonal or controlled discharge options to minimize discharging during critical water quality periods
- (f) pollutant trading
- (g) water conservation
- (h) water recycle and reuse
- (i) alternative discharge locations or alternative receiving waters
- (j) land application
- (k) total containment
- (l) improved operation and maintenance of existing treatment systems
- (m) other appropriate alternatives

An option more costly than the cheapest alternative may have to be implemented if a substantial benefit to the stream can be realized. Alternatives would generally be considered feasible where costs are no more than 20% higher than the cost of the discharging alternative, and (for POTWs) where the projected per connection service fees are not greater than 1.4% of MAGHI (median adjusted gross household income), the current affordability criterion now being used by the Water Quality Board in the wastewater revolving loan program. Alternatives within these cost ranges should be carefully considered by the discharger. Where State financing is appropriate, a financial assistance package may be influenced by this evaluation, i.e., a less polluting alternative may receive a more favorable funding arrangement in order to make it a more financially attractive alternative.

It must also be recognized in relationship to evaluating options that would avoid or reduce discharges to the stream, that in some situations it may be more beneficial to leave the water in the stream for instream flow purposes than to remove the discharge to the stream.

~~3. Special Procedures for 404 Permits:~~

~~For 404 permitted activities, all appropriate alternatives to avoid and minimize degradation should be evaluated. Activities involving a discharge of dredged or fill materials that are considered to have more than minor adverse effects on the aquatic environment are regulated by individual CWA Section 404 permits. The decision-making process relative to the 404 permitting program is contained in the 404(b)(1) guidelines (40 CFR Part 230). Prior to issuing a permit under the 404(b)(1) guidelines, the Corps of Engineers:~~

~~(a) makes a determination that the proposed activity discharges are unavoidable (i.e., necessary);~~

~~(b) examines alternatives to the proposed activity and authorize only the least damaging practicable alternative; and~~

~~(c) requires mitigation for all impacts associated with the activity. A 404(b)(1) finding document is produced as a result of this procedure and is the basis for the permit decision. Public participation is provided for in the process. Because the 404(b)(1) guidelines contains an alternatives analysis, the executive secretary will not require development of a separate alternatives analysis for the anti-degradation review. The division will use the analysis in the 404(b)(1) finding document in completing its anti-degradation review and 401 certification.~~

] [4.]³. Does the proposed activity have economic and social importance?

Although it is recognized that any activity resulting in a discharge to surface waters will have positive and negative aspects, information must be submitted by the applicant that any discharge or increased discharge will be of economic or social importance in the area.

The factors addressed in such a demonstration may include, but are not limited to, the following:

- (a) employment (i.e., increasing, maintaining, or avoiding a reduction in employment);
- (b) increased production;
- (c) improved community tax base;
- (d) housing;
- (e) correction of an environmental or public health problem;

and

(f) other information that may be necessary to determine the social and economic importance of the proposed surface water discharge.

[5.]⁴. The applicant may submit a proposal to mitigate any adverse environmental effects of the proposed activity (e.g., instream habitat improvement, bank stabilization). Such mitigation plans should describe the proposed mitigation measures and the costs of such mitigation. Mitigation plans will not have any effect on effluent limits or conditions included in a permit (except possibly where a previously completed mitigation project has resulted in an improvement in background water quality that affects a water quality-based limit). Such mitigation plans will be developed and implemented by the applicant as a means to further minimize the environmental effects of the proposed activity and to increase its socio-economic importance.

An effective mitigation plan may, in some cases, allow the Executive Secretary to authorize proposed activities that would otherwise not be authorized.

[6-]5. Will water quality standards be violated by the discharge?

Proposed activities that will affect the quality of waters of the state will be allowed only where the proposed activity will not violate water quality standards.

[7-]6. Will existing uses be maintained and protected?

Proposed activities can only be allowed if "existing uses" will be maintained and protected. No UPDES permit will be allowed which will permit numeric water quality standards to be exceeded in a receiving water outside the mixing zone. In the case of nonpoint pollution sources, the non-regulatory Section 319 program now in place will address these sources through application of best management practices to ensure that numeric water quality standards are not exceeded.

[8-]7. If a situation is found where there is an existing use which is a higher use (i.e., more stringent protection requirements) than that current designated use, the Division will apply the water quality standards and anti-degradation policy to protect the existing use. Narrative criteria may be used as a basis to protect existing uses for parameters where numeric criteria have not been adopted. Procedures to change the stream use designation to recognize the existing use as the designated use would be initiated.

d. Special Procedures for Drinking Water Sources

An Antidegradation Level II Review will be required by the Executive Secretary for discharges to waters with a Class 1C drinking water use assigned.

Depending upon the locations of the discharge and its proximity to downstream drinking water diversions, additional treatment or more stringent effluent limits or additional monitoring, beyond that which may otherwise be required to meet minimum technology standards or in stream water quality standards, may be required by the Executive Secretary in order to adequately protect public health and the environment. Such additional treatment may include additional disinfection, suspended solids removal to make the disinfection process more effective, removal of any specific contaminants for which drinking water maximum contaminant levels (MCLs) exists, and/or nutrient removal to reduce the organic content of raw water used as a source for domestic water systems.

Additional monitoring may include analyses for viruses, Giardia, Cryptosporidium, other pathogenic organisms, and/or any contaminant for which drinking water MCLs exist. Depending on the results of such monitoring, more stringent treatment may then be required.

The additional treatment/effluent limits/monitoring which may be required will be determined by the Executive Secretary after consultation with the Division of Drinking Water and the downstream drinking water users.

e. Public Notice

The public will be provided notice and an opportunity to comment on the conclusions of all completed antidegradation reviews. [Where]When possible, public notice on the antidegradation review conclusions will be combined with the public notice on the proposed permitting or certifying action. In the case of UPDES permits, public notice will be provided through the normal permitting process, as all draft permits are public noticed for 30 days, and public comment solicited, before being issued as a final permit. The Statement of Basis

for the draft UPDES permit will contain information on how the ADR was addressed including results of the Level I and Level II reviews. In the case of Section 404 permits from the Corps of Engineers, the Division of Water Quality will develop any needed 401 Certifications and the public notice [with]may be published in conjunction with the US Corps of Engineers public notice procedures. Other permits requiring a Level II review will receive a separate public notice according to the normal State public notice procedures.

f. Implementation Procedures

The Executive Secretary shall establish reasonable protocols and guidelines (1) for completing technical, social, and economic need demonstrations, (2) for review and determination of adequacy of Level II ADRs and (3) for determination of additional treatment requirements. Protocols and guidelines will consider federal guidance and will include input from local governments, the regulated community, and the general public. The Executive Secretary will inform the Water Quality Board of any protocols or guidelines that are developed.

R317-2-7. Water Quality Standards.

7.1 Application of Standards

The numeric criteria listed in R317-2-14 shall apply to each of the classes assigned to waters of the State as specified in R317-2-6. It shall be unlawful and a violation of these regulations for any person to discharge or place any wastes or other substances in such manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated, except as provided in R317-1-3.1. At a minimum, assessment of the beneficial use support for waters of the state will be conducted biennially and available for a 30-day period of public comment and review. Monitoring locations and target indicators of water quality standards shall be prioritized and published yearly. For water quality assessment purposes, up to 10 percent of the representative samples may exceed the minimum or maximum criteria for dissolved oxygen, pH, E. coli, total dissolved solids, and temperature, including situations where such criteria have been adopted on a site-specific basis. Site-specific [criterion]standards may be adopted by rulemaking where biomonitoring data, bioassays, or other scientific analyses indicate that the statewide criterion is over or under protective of the designated uses or where natural or un-alterable conditions or other factors as defined in 40 CFR 131.10(g) prevent the attainment of the statewide [criterion]criteria as prescribed in Subsections R317-2-7.2, and R317-2-7.3, and Section R317-2-14.

7.2 Narrative Standards

It shall be unlawful, and a violation of these regulations, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures; or determined by biological assessments in Subsection R317-2-7.3.

7.3 Biological Water Quality Assessment and Criteria

Waters of the State shall be free from human-induced stressors which will degrade the beneficial uses as prescribed by the

biological assessment processes and biological criteria set forth below:

a. Quantitative biological assessments may be used to assess whether the purposes and designated uses identified in R317-2-6 are supported.

b. The results of the quantitative biological assessments may be used for purposes of water quality assessment, including, but not limited to, those assessments required by 303(d) and 305(b) of the federal Clean Water Act (33 U.S.C. 1313(d) and 1315(b)).

c. Quantitative biological assessments shall use documented methods that have been subject to technical review and produce consistent, objective and repeatable results that account for methodological uncertainty and natural environmental variability.

d. If biological assessments reveal a biologically degraded water body, specific pollutants responsible for the degradation will not be formally published (i.e., Biennial Integrated Report, TMDL) until a thorough evaluation of potential causes, including nonchemical stressors (e.g., habitat degradation or hydrological modification or criteria described in 40 CFR 131.10 (g)(1 - 6) as defined by the Use Attainability Analysis process), has been conducted.

R317-2-13. Classification of Waters of the State (see R317-2-6).

a. Colorado River Drainage

13.1 Upper Colorado River Basin

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TABLE

13.4 Weber River Basin

a. Weber River Drainage

TABLE

| | | | |
|---|----|----|------|
| Willard Creek, from Willard Bay Reservoir to headwaters | 2B | 3A | 4 |
| Weber River, from Great Salt Lake to Slaterville diversion, [except] except as listed below: [-----] | 2B | 3C | 3D 4 |
| Four Mile Creek from I-15 To headwaters | 2B | 3A | 4 |
| Weber River and tributaries, from Slaterville diversion to Stoddard diversion, except as listed below | 2B | 3A | 4 |
| Ogden River and tributaries, From confluence with Weber River To Pineview Dam, except as listed Below | 2A | 3A | 4 |
| Wheeler Creek from Confluence with Ogden River to headwaters | 1C | 2B | 3A 4 |
| All tributaries to Pineview Reservoir | 1C | 2B | 3A 4 |
| Strongs Canyon Creek and Tributaries, from U.S. National Forest boundary to headwaters | 1C | 2B | 3A 4 |
| Burch Creek and tributaries, from Harrison Boulevard in Ogden to Headwaters | 1C | 2B | 3A |

| | | | |
|--|----|----|------|
| Spring Creek and tributaries, From U.S. National Forest Boundary to headwaters | 1C | 2B | 3A 4 |
|--|----|----|------|

| | | | |
|--|----|----|------|
| Weber River and tributaries, from Stoddard diversion to headwaters | 1C | 2B | 3A 4 |
|--|----|----|------|

13.5 Utah Lake-Jordan River Basin

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c. Utah Lake Drainage

TABLE

| | | | |
|--|----|----|------|
| Dry Creek and tributaries (above Alpine), from U.S. National Forest boundary to headwaters | 2B | 3A | 4 |
| American Fork Creek and tributaries, from diversion at mouth of American Fork Canyon to headwaters | 2B | 3A | 4 |
| Spring Creek and tributaries, from Utah Lake near Lehi to headwaters | 2B | 3A | 4 |
| Lindon Hollow Creek and tributaries, from Utah Lake to headwaters | 2B | 3B | 4 |
| Rock Canyon Creek and tributaries (East of Provo) from U.S. National Forest boundary to headwaters | 1C | 2B | 3A 4 |
| Mill Race (except from Interstate Highway 15 to the Provo City WWTP discharge) and tributaries from Utah Lake to headwaters | 2B | 3B | 4 |
| Mill Race from Interstate Highway 15 to the Provo City wastewater treatment plant discharge | 2B | 3B | 4 |
| Spring Creek and tributaries from Utah Lake (Provo Bay) to 50 feet upstream from the east boundary of the Industrial Parkway Road Right-of-way | 2B | 3B | 4 |
| Tributary to Spring Creek (Utah County) which receives the Springville City WWTP effluent from confluence with Spring Creek to headwaters | 2B | 3D | 4 |
| Spring Creek and tributaries from 50 feet upstream from the east boundary of the Industrial Parkway Road right-of-way to the headwaters | 2B | 3A | 4 |
| Ironton Canal from Utah Lake (Provo Bay) to the east boundary of the Denver and Rio Grande Western Railroad right-of-way | 2B | 3C | 4 |
| Ironton Canal from the east boundary of the Denver and Rio Grande Western Railroad right-of-way to the point | | | |

| | | |
|--|-------|------|
| of diversion from Spring Creek | 2B 3A | 4 |
| Hobble Creek and tributaries, from Utah Lake to headwaters | 2B 3A | 4 |
| Dry Creek and tributaries from Utah Lake (Provo Bay) to Highway-US 89 | 2B | 3E 4 |
| Dry Creek and tributaries from Highway-US 89 to headwaters | 2B 3A | 4 |
| Spanish Fork River and tributaries, from Utah Lake to diversion at Moark Junction | 2B 3B | 3D 4 |
| Spanish Fork River and tributaries, from diversion at Moark Junction to headwaters | 2B 3A | 4 |
| Benjamin Slough and tributaries from Utah Lake to headwaters, except as listed below | 2B 3B | 4 |
| Beer Creek (Utah County) from 4850 West (in NE1/4NE1/4 sec. 36, T.8 S., R.1 E.) to headwaters | 2B 3C | 4 |
| Salt Creek, from Nephi diversion to headwaters | 2B 3A | 4 |
| Currant Creek, from mouth of Goshen Canyon to Mona Reservoir | 2B 3A | 4 |
| Burrison Creek Currant Creek, from Mona Reservoir to headwaters | 2B 3A | 4 |
| Peteetmeet Creek and tributaries, from irrigation diversion above Maple Dell to headwaters | 2B 3A | 4 |
| Summit Creek and tributaries (above Santaquin), from U.S. National Forest boundary to headwaters | 2B 3A | 4 |
| All other permanent streams entering Utah Lake | 2B 3B | 4 |

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13.11 National Wildlife Refuges and State Waterfowl Management Areas, and other Areas Associated with the Great Salt Lake

TABLE

| | | |
|--|-------|----|
| Bear River National Wildlife Refuge, Box Elder County | 2B 3B | 3D |
| Bear River Bay | | |
| Open Water below approximately 4,208 ft. | | 5C |
| Transitional[-] Waters approximately 4,208 ft. to Open Water | | 5E |
| Open Water above approximately 4,208 ft. | 2B 3B | 3D |
| Brown's Park Waterfowl Management Area, Daggett County | 2B 3A | 3D |

| | | |
|--|-------|-------|
| Clear Lake Waterfowl Management Area, Millard County | 2B | 3C 3D |
| Desert Lake Waterfowl Management Area, Emery County | 2B | 3C 3D |
| Farmington Bay Waterfowl Management Area, Davis and Salt Lake Counties | 2B | 3C 3D |
| Farmington Bay | | |
| Open Water below approximately 4,208 ft. | | 5D |
| Transitional Waters approximately 4,208 ft. to Open Water | | 5E |
| Open Water above approximately 4,208 ft. | 2B 3B | 3D |
| Fish Springs National Wildlife Refuge, Juab County | 2B | 3C 3D |
| Harold Crane Waterfowl Management Area, Box Elder County | 2B | 3C 3D |
| Gilbert Bay | | |
| Open Water below approximately 4,208 ft. | | 5A |
| Transitional Waters approximately 4,208 ft. to Open Water | | 5E |
| Open Water above approximately 4,208 ft. | 2B 3B | 3D |
| Gunnison Bay | | |
| Open Water below approximately 4,208 ft. | | 5B |
| Transitional Waters approximately 4,208 ft. to Open Water | | 5E |
| Open Water above approximately 4,208 ft. | 2B 3B | 3D |
| Howard Slough Waterfowl Management Area, Weber County | 2B | 3C 3D |
| Locomotive Springs Waterfowl Management Area, Box Elder County | 2B 3B | 3D |
| Ogden Bay Waterfowl Management Area, Weber County | 2B | 3C 3D |
| Ouray National Wildlife Refuge, Uintah County | 2B 3B | 3D |
| Powell Slough Waterfowl Management Area, Utah County | 2B | 3C 3D |
| Public Shooting Grounds Waterfowl Management Area, Box Elder County | 2B | 3C 3D |
| Salt Creek Waterfowl Management Area, Box Elder County | 2B | 3C 3D |
| Stewart Lake Waterfowl Management Area, Uintah County | 2B 3B | 3D |
| Timpie Springs Waterfowl Management Area, Tooele County | 2B 3B | 3D |

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R317-2-14. Numeric Criteria.

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TABLE 2.14.2
NUMERIC CRITERIA FOR AQUATIC WILDLIFE(8)

| Parameter | Aquatic Wildlife | | | |
|---|------------------|---------|---------|---------|
| | 3A | 3B | 3C | 3D |
| PHYSICAL | | | | |
| Total Dissolved Gases | (1) | (1) | | |
| Minimum Dissolved Oxygen (MG/L) (2)(2a) | | | | |
| 30 Day Average | 6.5 | 5.5 | 5.0 | 5.0 |
| 7 Day Average | 9.5/5.0 | 6.0/4.0 | | |
| Minimum | 8.0/4.0 | 5.0/3.0 | 3.0 | 3.0 |
| Max. Temperature(C)(3) | 20 | 27 | 27 | |
| Max. Temperature Change (C)(3) | 2 | 4 | 4 | |
| pH (Range)(2a) | 6.5-9.0 | 6.5-9.0 | 6.5-9.0 | 6.5-9.0 |
| Turbidity Increase (NTU) | 10 | 10 | 15 | 15 |
| METALS (4) | | | | |
| (DISSOLVED, UG/L)(5) | | | | |
| Aluminum | | | | |
| 4 Day Average (6) | 87 | 87 | 87 | 87 |
| 1 Hour Average | 750 | 750 | 750 | 750 |
| Arsenic (Trivalent) | | | | |
| 4 Day Average | 150 | 150 | 150 | 150 |
| 1 Hour Average | 340 | 340 | 340 | 340 |
| Cadmium (7) | | | | |
| 4 Day Average | 0.25 | 0.25 | 0.25 | 0.25 |
| 1 Hour Average | 2.0 | 2.0 | 2.0 | 2.0 |
| Chromium (Hexavalent) | | | | |
| 4 Day Average | 11 | 11 | 11 | 11 |
| 1 Hour Average | 16 | 16 | 16 | 16 |
| Chromium (Trivalent) (7) | | | | |
| 4 Day Average | 74 | 74 | 74 | 74 |
| 1 Hour Average | 570 | 570 | 570 | 570 |
| Copper (7) | | | | |
| 4 Day Average | 9 | 9 | 9 | 9 |
| 1 Hour Average | 13 | 13 | 13 | 13 |
| Cyanide (Free) | | | | |
| 4 Day Average | 5.2 | 5.2 | 5.2 | |
| 1 Hour Average | 22 | 22 | 22 | 22 |
| Iron (Maximum) | 1000 | 1000 | 1000 | 1000 |
| Lead (7) | | | | |
| 4 Day Average | 2.5 | 2.5 | 2.5 | 2.5 |
| 1 Hour Average | 65 | 65 | 65 | 65 |
| Mercury | | | | |
| 4 Day Average | 0.012 | 0.012 | 0.012 | 0.012 |
| Nickel (7) | | | | |
| 4 Day Average | 52 | 52 | 52 | 52 |
| 1 Hour Average | 468 | 468 | 468 | 468 |
| Selenium | | | | |
| 4 Day Average | 4.6 | 4.6 | 4.6 | 4.6 |
| 1 Hour Average | 18.4 | 18.4 | 18.4 | 18.4 |
| Selenium (14) Gilbert Bay (Class 5A) | | | | |

| | | | | |
|--|--------|--------|--------|--------|
| Great Salt Lake Geometric Mean over Nesting Season (mg/kg dry wt) | | | | |
| | | 12.5 | | |
| Silver | | | | |
| 1 Hour Average (7) | 1.6 | 1.6 | 1.6 | 1.6 |
| Tributyltin | | | | |
| 4 Day Average | 0.072 | 0.072 | 0.072 | 0.072 |
| 1 Hour Average | 0.46 | 0.46 | 0.46 | 0.46 |
| Zinc (7) | | | | |
| 4 Day Average | 120 | 120 | 120 | 120 |
| 1 Hour Average | 120 | 120 | 120 | 120 |
| INORGANICS (MG/L) (4) | | | | |
| Total Ammonia as N (9) | | | | |
| 30 Day Average | (9a) | (9a) | (9a) | (9a) |
| 1 Hour Average | (9b) | (9b) | (9b) | (9b) |
| Chlorine (Total Residual) | | | | |
| 4 Day Average | 0.011 | 0.011 | 0.011 | 0.011 |
| 1 Hour Average | 0.019 | 0.019 | 0.019 | 0.019 |
| Hydrogen Sulfide (13) (Undissociated, Max. UG/L) | | | | |
| Phenol(Maximum) | 0.01 | 0.01 | 0.01 | 0.01 |
| RADIOLOGICAL (MAXIMUM pCi/L) | | | | |
| Gross Alpha (10) | 15 | 15 | 15 | 15 |
| ORGANICS (UG/L) (4) | | | | |
| Acrolein | | | | |
| 4 Day Average | 3.0 | 3.0 | 3.0 | 3.0 |
| 1 Hour Average | 3.0 | 3.0 | 3.0 | 3.0 |
| Aldrin | | | | |
| 1 Hour Average | 1.5 | 1.5 | 1.5 | 1.5 |
| Chlordane | | | | |
| 4 Day Average | 0.0043 | 0.0043 | 0.0043 | 0.0043 |
| 1 Hour Average | 1.2 | 1.2 | 1.2 | 1.2 |
| Chlorpyrifos | | | | |
| 4 Day Average | 0.041 | 0.041 | 0.041 | 0.041 |
| 1 Hour Average | 0.083 | 0.083 | 0.083 | 0.083 |
| 4,4' -DDT | | | | |
| 4 Day Average | 0.0010 | 0.0010 | 0.0010 | 0.0010 |
| 1 Hour Average | 0.55 | 0.55 | 0.55 | 0.55 |
| Diazinon | | | | |
| 4 Day Average | 0.17 | 0.17 | 0.17 | 0.17 |
| 1 Hour Average | 0.17 | 0.17 | 0.17 | 0.17 |
| Dieldrin | | | | |
| 4 Day Average | 0.056 | 0.056 | 0.056 | 0.056 |
| 1 Hour Average | 0.24 | 0.24 | 0.24 | 0.24 |
| Alpha-Endosulfan | | | | |
| 4 Day Average | 0.056 | 0.056 | 0.056 | 0.056 |
| 1 Hour Average | 0.11 | 0.11 | 0.11 | 0.11 |
| beta-Endosulfan | | | | |
| 4 Day Average | 0.056 | 0.056 | 0.056 | 0.056 |
| 1 Day Average | 0.11 | 0.11 | 0.11 | 0.11 |
| Endrin | | | | |
| 4 Day Average | 0.036 | 0.036 | 0.036 | 0.036 |
| 1 Hour Average | 0.086 | 0.086 | 0.086 | 0.086 |
| Heptachlor | | | | |
| 4 Day Average | 0.0038 | 0.0038 | 0.0038 | 0.0038 |
| 1 Hour Average | 0.26 | 0.26 | 0.26 | 0.26 |

| | | | | |
|------------------------------------|--------|--------|--------|--------|
| Heptachlor epoxide | | | | |
| 4 Day Average | 0.0038 | 0.0038 | 0.0038 | 0.0038 |
| 1 Hour Average | 0.26 | 0.26 | 0.26 | 0.26 |
| Hexachlorocyclohexane (Lindane) | | | | |
| 4 Day Average | 0.08 | 0.08 | 0.08 | 0.08 |
| 1 Hour Average | 1.0 | 1.0 | 1.0 | 1.0 |
| Methoxychlor (Maximum) | | | | |
| 4 Day Average | 0.03 | 0.03 | 0.03 | 0.03 |
| Mirex (Maximum) | 0.001 | 0.001 | 0.001 | 0.001 |
| Nonylphenol | | | | |
| 4 Day Average | 6.6 | 6.6 | 6.6 | 6.6 |
| 1 Hour Average | 28.0 | 28.0 | 28.0 | 28.0 |
| Parathion | | | | |
| 4 Day Average | 0.013 | 0.013 | 0.013 | 0.013 |
| 1 Hour Average | 0.066 | 0.066 | 0.066 | 0.066 |
| PCB's | | | | |
| 4 Day Average | 0.014 | 0.014 | 0.014 | 0.014 |
| Pentachlorophenol (11) | | | | |
| 4 Day Average | 15 | 15 | 15 | 15 |
| 1 Hour Average | 19 | 19 | 19 | 19 |
| Toxaphene | | | | |
| 4 Day Average | 0.0002 | 0.0002 | 0.0002 | 0.0002 |
| 1 Hour Average | 0.73 | 0.73 | 0.73 | 0.73 |
| POLLUTION INDICATORS (11) | | | | |
| Gross Beta (pCi/L) | 50 | 50 | 50 | 50 |
| BOD (MG/L) | 5 | 5 | 5 | 5 |
| Nitrate as N (MG/L) | 4 | 4 | 4 | |
| Total Phosphorus as P(MG/L) (12) | 0.05 | 0.05 | | |

FOOTNOTES:

- (1) Not to exceed 110% of saturation.
- (2) These limits are not applicable to lower water levels in deep impoundments. First number in column is for when early life stages are present, second number is for when all other life stages present.
- (2a) These criteria are not applicable to Great Salt Lake impounded wetlands. Surface water in these wetlands shall be protected from changes in pH and dissolved oxygen that create significant adverse impacts to the existing beneficial uses. To ensure protection of uses, the Executive Secretary shall develop reasonable protocols and guidelines that quantify the physical, chemical, and biological integrity of these waters. These protocols and guidelines will include input from local governments, the regulated community, and the general public. The Executive Secretary will inform the Water Quality Board of any protocols or guidelines that are developed.
- (3) Site Specific Standards for Temperature
Ken's Lake: From June 1st - September 20th, 27 degrees C.
- (4) Where criteria are listed as 4-day average and 1-hour average concentrations, these concentrations should not be exceeded more often than once every three years on the average.
- (5) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by EPA approved laboratory methods for the required detection levels.
- (6) The criterion for aluminum will be implemented as follows:
Where the pH is equal to or greater than 7.0 and the hardness is equal to or greater than 50 ppm as CaCO3 in the receiving water after mixing, the 87 ug/l chronic criterion (expressed as total recoverable) will not apply, and aluminum

will be regulated based on compliance with the 750 ug/l acute aluminum criterion (expressed as total recoverable).

(7) Hardness dependent criteria. 100 mg/l used. Conversion factors for ratio of total recoverable metals to dissolved metals must also be applied. In waters with a hardness greater than 400 mg/l as CaCO3, calculations will assume a hardness of 400 mg/l as CaCO3. See Table 2.14.3 for complete equations for hardness and conversion factors.

(8) Reserved
(9) The following equations are used to calculate Ammonia criteria concentrations:

(9a) The thirty-day average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average, the chronic criterion calculated using the following equations.

Fish Early Life Stages are Present:

$$\text{mg/l as N (Chronic)} = ((0.0577/(1+10^{7.688-\text{pH}})) + (2.487/(1+10^{\text{pH}-7.688}))) * \text{MIN}(2.85, 1.45*10^{0.028*(25-1)})$$

Fish Early Life Stages are Absent:

$$\text{mg/l as N (Chronic)} = ((0.0577/(1+10^{7.688-\text{pH}})) + (2.487/(1+10^{\text{pH}-7.688}))) * 1.45*10^{0.028*(25-\text{MAX}(1,7))}$$

(9b) The one-hour average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average the acute criterion calculated using the following equations.

Class 3A:

$$\text{mg/l as N (Acute)} = (0.275/(1+10^{7.204-\text{pH}})) + (39.0/(1+10^{\text{pH}-7.204}))$$

Class 3B, 3C, 3D:

$$\text{mg/l as N (Acute)} = 0.411/(1+10^{7.204-\text{pH}}) + (58.4/(1+10^{\text{pH}-7.204}))$$

In addition, the highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion. The "Fish Early Life Stages are Present" 30-day average total ammonia criterion will be applied by default unless it is determined by the Division, on a site-specific basis, that it is appropriate to apply the "Fish Early Life Stages are Absent" 30-day average criterion for all or some portion of the year. At a minimum, the "Fish Early Life Stages are Present" criterion will apply from the beginning of spawning through the end of the early life stages. Early life stages include the pre-hatch embryonic stage, the post-hatch free embryo or yolk-sac fry stage, and the larval stage for the species of fish expected to occur at the site. The division will consult with the Division of Wildlife Resources in making such determinations. The Division will maintain information regarding the waterbodies and time periods where application of [the]the "Early Life Stages are Absent" criterion is determined to be appropriate.

(10) Investigation should be conducted to develop more information where these levels are exceeded.

(11) pH dependent criteria. pH 7.8 used in table. See Table 2.14.4 for equation.

(12) Total Phosphorus as P (mg/l) as a pollution indicator for lakes and reservoirs shall be 0.025.

(13) Formula to convert dissolved sulfide to un-disassociated hydrogen sulfide is: $\text{H}_2\text{S} = \text{Dissolved Sulfide} * e^{(-1.92 + \text{pH} + 12.05)}$

(14) The selenium water quality standard of 12.5 (mg/kg dry weight) for Gilbert Bay is a tissue based standard using the complete egg/embryo of aquatic dependent birds using Gilbert Bay based upon a minimum of five samples over the nesting season. Assessment procedures are incorporated as a part of this standard as follows:

Egg Concentration Triggers: DWQ Responses

Below 5.0 mg/kg: Routine monitoring with sufficient intensity to determine if selenium concentrations within the Great Salt Lake ecosystem are increasing.

5.0 mg/kg: Increased monitoring to address data gaps, loadings, and areas of uncertainty identified from initial Great Salt Lake selenium studies.

6.4 mg/kg: Initiation of a Level II Antidegradation review by the State for all discharge permit renewals or new discharge permits to Great Salt Lake. The Level II Antidegradation review may include an analysis of loading reductions.

9.8 mg/kg: Initiation of preliminary TMDL studies to evaluate selenium loading sources.

12.5 mg/kg and above: Declare impairment. Formalize and implement TMDL.

Antidegradation
Level II Review procedures associated with this standard are referenced at R317-2-3.5.C.

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TABLE 2.14.6
LIST OF HUMAN HEALTH CRITERIA (CONSUMPTION)

| Chemical Parameter | Water and Organism | | Organism Only (ug/L) Class 3A,3B,3C,3D |
|----------------------------|-----------------------|--------------------|--|
| | Class 1C (ug/L) | Class 2C (ug/L) | |
| Antimony | 5.6 | | 640 |
| Arsenic | A | | A |
| Beryllium | C | | C |
| Cadmium | C | | C |
| Chromium III | C | | C |
| Chromium VI | C | | C |
| Copper | 1,300 | | |
| Lead | C | | C |
| Mercury | A | | A |
| Nickel | 100 MCL | | 4,600 |
| Selenium | A | | 4,200 |
| [Silver]Thallium | | 0.24 | 0.47 |
| Zinc | 7,400 | | 26,000 |
| Cyanide | 140 | | 140 |
| Asbestos | 7 million Fibers/L | | |
| 2,3,7,8-TCDD Dioxin | 5.0 E -9 B | | 5.1 E-9 B |
| Acrolein | 6.0 | | 9.0 |
| Acrylonitrile | 0.051 B | | 0.25 B |
| Alachlor | 2.0 | | |
| Atrazine | 3.0 | | |
| Benzene | 2.2 B | | 51 B |
| Bromoform | 4.3 B | | 140 B |
| Carbofuran | 40 | | |
| Carbon Tetrachloride | 0.23 B | | 1.6 B |
| Chlorobenzene | 100 MCL | | 1,600 |
| Chlorodibromomethane | 0.40 B | | 13 B |
| Chloroethane | | | |
| 2-Chloroethylvinyl Ether | | | |
| Chloroform | 5.7 B | | 470 B |
| Dalapon | 200 | | |
| Di(2ethylhexyl)adipate | 400 | | |
| Dibromochloropropane | 0.2 | | |
| Dichlorobromomethane | 0.55 B | | 17 B |
| 1,1-Dichloroethane | | | |
| 1,2-Dichloroethane | 0.38 B | | 37 B |
| 1,1-Dichloroethylene | 7 MCL | | 7,100 |
| Dichloroethylene (cis-1,2) | 70 | | |
| Dinoseb | 7.0 | | |
| Diquat | 20 | | |
| 1,2-Dichloropropane | 0.50 B | | 15 B |
| 1,3-Dichloropropene | 0.34 | | 21 |
| Endothall | 100 | | |
| Ethylbenzene | 530 | | 2,100 |
| Ethylene Dibromide | 0.05 | | |
| Glyphosate | 700 | | |
| Haloacetic acids | 60 E | | |
| Methyl Bromide | 47 | | 1,500 |
| Methyl Chloride | F | | F |
| Methylene Chloride | 4.6 B | | 590 B |

| | | |
|-----------------------------|------------|------------|
| Ocaml (vidate) | 200 | |
| Picloram | 500 | |
| Simazine | 4 | |
| Styrene | 100 | |
| 1,1,2,2-Tetrachloroethane | 0.17 B | 4.0 B |
| Tetrachloroethylene | 0.69 B | 3.3 B |
| Toluene | 1,000 | 15,000 |
| 1,2 -Trans-Dichloroethylene | 100 MCL | 10,000 |
| 1,1,1-Trichloroethane | 200 MCL | F |
| 1,1,2-Trichloroethane | 0.59 B | 16 B |
| Trichloroethylene | 2.5 B | 30 B |
| Vinyl Chloride | 0.025 | 2.4 |
| Xylenes | 10,000 | |
| 2-Chlorophenol | 81 | 150 |
| 2,4-Dichlorophenol | 77 | 290 |
| 2,4-Dimethylphenol | 380 | 850 |
| 2-Methyl-4,6-Dinitrophenol | 13.0 | 280 |
| 2,4-Dinitrophenol | 69 | 5,300 |
| 2-Nitrophenol | | |
| 4-Nitrophenol | | |
| 3-Methyl-4-Chlorophenol | | |
| Penetachlorophenol | 0.27 B | 3.0 B |
| Phenol | 10,000 | 860,000 |
| 2,4,6-Trichlorophenol | 1.4 B | 2.4 B |
| Acenaphthene | 670 | 990 |
| Acenaphthylene | | |
| Anthracene | 8,300 | 40,000 |
| Benzidine | 0.000086 B | 0.00020 B |
| BenzoAnthracene | 0.0038 B | 0.018 B |
| BenzoaPyrene | 0.0038 B | 0.018 B |
| Benzofluoranthene | 0.0038 B | 0.018 B |
| BenzoghiPerylene | | |
| Benzokfluoranthene | 0.0038 B | 0.018 B |
| Bis2-ChloroethoxyMethane | | |
| Bis2-ChloroethylEther | 0.030 B | 0.53 B |
| Bis2-ChloroisopropylEther | 1,400 | 65,000 |
| Bis2-EthylhexylPhthalate | 1.2 B | 2.2 B |
| 4-Bromophenyl Phenyl Ether | | |
| Butylbenzyl Phthalate | | 1,500 |
| 2-Chloronaphthalene | 1,000 | 1,600 |
| 4-Chlorophenyl Phenyl Ether | | |
| Chrysene | 0.0038 B | 0.018 B |
| Dibenzoa,hAnthracene | 0.0038 B | 0.018 B |
| 1,2-Dichlorobenzene | 420 | 1,300 |
| 1,3-Dichlorobenzene | 320 | 960 |
| 1,4-Dichlorobenzene | 63 | 190 |
| 3,3-Dichlorobenzidine | 0.021 B | 0.028 B |
| Diethyl Phthalate | 17,000 | 44,000 |
| Dimethyl Phthalate | 270,000 | 1,100,000 |
| Di-n-Butyl Phthalate | 2,000 | 4,500 |
| 2,4-Dinitrotoluene | 0.11 B | 3.4 B |
| 2,6-Dinitrotoluene | | |
| Di-n-Octyl Phthalate | | |
| 1,2-Diphenylhydrazine | 0.036 B | 0.20 B |
| Fluoranthene | 130 | 140 |
| Fluorene | 1,100 | 5,300 |
| Hexachlorobenzene | 0.00028 B | 0.00029 B |
| Hexachlorobutenedine | 0.44 B | 18 B |
| Hexachloroethane | 1.4 B | 3.3 B |
| Hexachlorocyclopentadiene | 40 | 1,100 |
| Ideno 1,2,3-cdPyrene | 0.0038 B | 0.018 B |
| Isophorone | 35 B | 960 B |
| Naphthalene | | |
| Nitrobenzene | 17 | 690 |
| N-Nitrosodimethylamine | 0.00069 B | 3.0 B |
| N-Nitrosodi-n-Propylamine | 0.005 B | 0.51 B |
| N-Nitrosodiphenylamine | 3.3 B | 6.0 B |
| Phenanthrene | | |
| Pyrene | 830 | 4,000 |
| 1,2,4-Trichlorobenzene | 35 | 70 |
| Aldrin | 0.000049 B | 0.000050 B |
| alpha-BHC | 0.0026 B | 0.0049 B |
| beta-BHC | 0.0091 B | 0.017 B |
| gamma-BHC (Lindane) | 0.2 MCL | 1.8 |
| delta-BHC | | |

| | | |
|---------------------------|--------------|--------------|
| Chlordane | 0.00080 B | 0.00081 B |
| 4,4-DDT | 0.00022 B | 0.00022 B |
| 4,4-DDE | 0.00022 B | 0.00022 B |
| 4,4-DDD | 0.00031 B | 0.00031 B |
| Dieldrin | 0.000052 B | 0.000054 B |
| alpha-Endosulfan | 62 | 89 |
| beta-Endosulfan | 62 | 89 |
| Endosulfan Sulfate | 62 | 89 |
| Endrin | 0.059 | 0.060 |
| Endrin Aldehyde | 0.29 | 0.30 |
| Heptachlor | 0.000079 B | 0.000079 B |
| Heptachlor Epoxide | 0.000039 B | 0.000039 B |
| Polychlorinated Biphenyls | 0.000064 B,D | 0.000064 B,D |
| PCB's | | |
| Toxaphene | 0.00028 B | 0.00028 B |

Footnotes:

- A. See Table 2.14.2
- B. Based on carcinogenicity of 10-6 risk.
- C. EPA has not calculated a human criterion for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the State's existing narrative criteria for toxics
- D. This standard applies to total PCBs.

KEY: water pollution, water quality standards

Date of Enactment or Last Substantive Amendment: ~~April 1, 2012~~ 2013

Notice of Continuation: October 2, 2012

Authorizing, and Implemented or Interpreted Law: 19-5

Environmental Quality, Water Quality R317-15 Water Quality Certification

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 37362

FILED: 02/26/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to ensure that federally permitted or licensed activities will be conducted in a manner that will comply with applicable discharge and water quality requirements in order to maintain the chemical, physical, and biological integrity of waters of the United States within Utah. These procedures are currently being followed but have not been documented and available in detailed rule format.

SUMMARY OF THE RULE OR CHANGE: This rule establishes procedures for applying for and processing State Water Quality Certification pursuant to Section 401 of the federal Clean Water Act, 33 U.S.C. Sections 1251 through 1387 and consistent with the Utah Water Quality Act, Title 19, Chapter 5. The procedures have not been changed, but are now being documented to allow for better transparency in the application and review process. This rule details the purpose, definitions, applicability, application provisions, public notice and public hearing requirements, director's decision process, enforcement, and transfer of certification.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 33 U.S.C. 1251-1387 and Title 19, Chapter 5

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No additional costs or savings to state budget are anticipated because the proposed rule will be implemented using existing resources and makes the process more efficient.

◆ **LOCAL GOVERNMENTS:** No additional costs or savings to local governments' budgets are anticipated since the process is not changing, but is being defined and documented.

◆ **SMALL BUSINESSES:** No additional costs or savings to small businesses' budgets are anticipated because the requirements detailed in this rule are the same as those currently in force although they have not been documented in detail and readily available to the affected parties.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No additional costs or savings to budgets of persons other than small businesses, businesses, or local government entities are anticipated. Each person who is affected by this rule will now have a written reference which provides more clear and consistent information to use when going through the certification process.

COMPLIANCE COSTS FOR AFFECTED PERSONS:

Compliance costs are anticipated to remain the same for affected persons because no additional requirements have been added, nor have any been deleted. The certification process is now more transparent for all parties.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:

The Utah Division of Water Quality has successfully executed a water quality certification process since the inception of the CWA in 1972. This rule will help ensure that Utah's water quality certification process is consistent and efficient by establishing procedures and criteria for the application and decision-making process. This rule will have no additional fiscal impacts to the affected persons or businesses.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Judy Etherington by phone at 801-536-4344, by FAX at 801-536-4301, or by Internet E-mail at jetherington@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 05/15/2013

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality.

R317-15. Water Quality Certification.

R317-15-1. Purpose.

This rule establishes procedures for applying for and processing State Water Quality Certification pursuant to Section 401 of the federal Clean Water Act, 33 U.S.C. Sections 1251 through 1387 and consistent with the Utah Water Quality Act, Title 19, Chapter 5. The purpose of Certification is to ensure that the federally permitted or licensed activities will be conducted in a manner that will comply with applicable discharge and water quality requirements in order to maintain the chemical, physical, and biological integrity of waters of the United States within the State.

R317-15-2. Definitions.

In addition to the general definitions in Section R317-1-1, the following definitions apply for purposes of this Rule R317-15 only:

"Applicable discharge and water quality requirements" mean requirements in the Utah Water Quality Act, Utah Code Ann. Title 19, Chapter 5, and rules made thereunder that are equivalent to the requirements of 33 U.S.C. Sections 1311, 1312, 1313, 1316 and 1317 and regulations promulgated thereunder.

"Applicant" means a person who applies for a license or permit issued by an agency of the federal government to conduct an activity that is subject to Certification under Section 401.

"Blanket Certification" or "Blanket" means Certification of a group or class of similar activities that may contain conditions.

"Licensing or permit agency" means an agency of the federal government to which application is made for a license or permit that is subject to Certification.

"Section 401" means Section 401 of the federal Clean Water Act, 33 U.S.C. Sections 1251 to 1387.

"State Water Quality Certification" or "Certification" means Certification by the director under Section 401 that a proposed discharge will comply with applicable discharge and water quality requirements. A Certification may be a Blanket or individual Certification that may contain conditions.

R317-15-3. Applicability.

3.1. Rule R317-15 applies to any applicant for a federal permit or license that is subject to the requirements of Section 401. Federal permits and licenses most frequently subject to Certification in Utah include the following:

A. permits from the United States Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act, 33 U.S.C. Sections 1251 through 1387; and

B. licenses from the Federal Energy Regulatory Commission under the Federal Powers Act, 16 U.S.C. Section 1791, et seq.

This is not a complete list of federal permits or licenses requiring Certification.

3.2. Certification is required for activities under Section 404 of the federal Clean Water Act, 33 U.S.C. Section 1344.

Sections 404 requires approval for the discharge of dredged or fill materials into water of the United States. However, there are certain activities that are ordinarily exempt from Section 404 requirements, and which will not therefore require Certification under this Rule R317-15. Those activities include the discharge of dredge or fill material: from normal farming and ranching activities; from the construction or maintenance of farm or stock ponds or irrigation ditches; from the maintenance of drainage ditches; and from the construction or maintenance of farm roads. See Section 404(f), 33 U.S.C. Section 1344(f) for a complete list of exempt activities.

3.3. A Certification will ordinarily include conditions necessary to comply with the requirements of the Utah Water Quality Act, Title 19, Chapter 5, and rules made under that Act. However, nothing in this rule or a Certification exempts a person from compliance with the Act, or rules made under that Act.

R317-15-4. Application Provisions.

4.1. Unless otherwise determined by the director, the application for Certification shall include the following complete information and documentation:

- A. application date;
- B. name and address of the applicant;
- C. signature of the applicant. A corporate application must be signed by an officer of the corporation. Any signature required for application for Certification shall be provided as described in 40 CFR Section 122.22(a);
- D. name, address, email address and phone number of a contact for the application, e.g., the person to whom requests for additional information should be addressed;
- E. list of names and address of landowners adjacent to the project site;
- F. plan or drawings that include a plan view, cross section view, and elevation view;
- G. associated existing or pending federal, state, and local permits, including land use permits, with corresponding file numbers;
- H. for proposed discharges:
 1. name(s) of the waters where the discharge may occur;
 2. precise latitude and longitude of the discharge location(s) to 5th decimal place in decimal degrees and to the tenth of a degree in degrees-minutes-seconds notation;
 3. beneficial use classifications of potentially affected surface waters (see Section R317-2-13); and
 4. list any known causes of water impairment per Sections 303(d) and 314 of the federal Clean Water Act, 33 U.S.C. Sections 1251 through 1387 and the names of any associated local watershed management plans including TMDL studies;
- I. a description of the overall project including the construction and operation of the facilities which may result in discharge. Characterize the physical, chemical, biological, thermal and other pertinent properties of the discharge;
- J. a description on how the discharges are compliant with water quality standards of the receiving water;
- K. a description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of the equipment or facilities employed in control of the proposed discharge. Provide a map showing the location(s) of the monitoring point(s);

L. supporting documentation submitted to federal agencies (e.g., maps, plans, specifications, project dimensions, copies of associated federal applications, biological and engineering studies, reference information in FERC filings, Environmental Assessment or Environmental Impact Statements, Alternative Analyses), as applicable;

M. an exhibit that identifies and describes other requirements of State law applicable to the activity that have any relationship to water quality, including requirements under:

1. Section 19-5-114, spills or discharges of oil or other substance;

2. Section R317-2-12, Category 1 and Category 2 waters;

3. Section R317-2-3 Antidegradation Policy (ADR);

4. Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities Permit No. UTR300000; and

5. UPDES General Permit for Construction Dewatering Permit No. UTG070000.

N. estimated dates on which the activity will begin and end and the date or dates on which the discharge(s) will take place;

O. additional information regarding any unique features of the project;

P. any additional information as required by the director.

4.2. If any information required by 4.1 is expected to be developed in the course of the federal application process, the applicant shall include a statement to that effect, and shall provide the information when it is submitted to the federal permitting or licensing agency.

4.3. The director may prescribe a form for application for a Certification.

4.4. If an application for Certification is incomplete or is otherwise deficient, the applicant will be notified and will be given a deadline for the submittal of such information. If the information is not submitted timely and is necessary for reaching a Certification decision, Certification process will be suspended pending the development of additional information.

4.5. The owner or its duly authorized representative shall notify the director in writing of changes which may affect the application for Certification and Certification process.

4.6. The applicant shall pay any applicable application fees to the "Utah Division of Water Quality." Contact the Division for further information about the application fee. The application fee is not refundable or transferable to a separate application.

4.7. An application for Certification shall be made simultaneously with the application to the federal licensing or permit agency. If application is not made in accordance with this requirement, there may be delays and additional fees to allow the collection and consideration of all pertinent information.

R317-15-5. Public Notice and Public Hearing.

5.1. The director's draft Certification shall be subject to a public notice and comment period. The comment period shall ordinarily be 30 days, but may be lengthened or shortened for good cause. For example:

A. the period may be shortened if the application is of a type that is routinely granted;

B. the period may be shortened if the impacts of the proposed activity are minor;

C. the period may be shortened if the period for issuing a Certification is shortened by the federal licensing or permitting agency; or

D. the period may be lengthened for a major activity.

5.2. Every five years the USACE advertises the re-evaluation of the general permits under Section 404 of the Clean Water Act for reissuance with a public notice in the Federal Register. At that time, the Division is given the opportunity to reevaluate State requirements for Certification application, conditions and notification as well as how and if the general permits will be recertified with a Blanket Certification. Any general permit denied Blanket Certification during this period would require individual application to the Division for a project by project Certification.

The director then issues a 30-day public notice announcing which general permits will receive Certification and their requirements for the next five years. In an effort to support the streamlined process of the Corps' general permit program, the Division will not hold a project specific Certification public notice for individual activities authorized by the Corps under the general permits during the subsequent five years unless the Division declined to certify specific general permits during the re-evaluation process.

5.3. When practicable, the public notice and comment period and any public hearing for a draft Certification will ordinarily be held jointly with federal agencies that are licensing or permitting the proposed activity.

5.4. If the certification is not public noticed by the federal agency the Division will publish the public notice by one or more of the following methods:

A. Utah Department of Environmental Quality website; or

B. any other means selected by the director that will effectively solicit input from stakeholders representing State and federal agencies, interests groups, and the general public.

5.5. The director may, at the director's discretion, hold a public hearing to take oral comments.

R317-15-6. Director's Decision.

6.1. Although the evaluation process may vary on a site-specific basis, the director, in determining whether a proposed discharge complies with applicable discharge and water quality requirements, will ordinarily consider in the evaluation process whether a proposed discharge:

A. prevents or interferes with the attainment or maintenance of applicable water quality standards in Section R317-2 including:

1. impairs the designated beneficial use classifications (e.g., aquatic life, drinking water, recreation) in Section R317-2-6;

2. exceeds water quality criteria, either narrative or numeric, in Section R317-2-7;

3. fails to meet the antidegradation (ADR) requirements of Section R317-2-3;

B. causes a violation of the Utah Water Quality Act, Title 19, Chapter 5;

C. are inconsistent with wasteloads and permitted load allocations in listed TMDLs in Section R317-1-7;

D. causes an exceedence of effluent limitations or control regulations applicable under Rule R317-8; or

E. otherwise causes a failure of compliance with applicable discharge and water quality requirements.

6.2. In considering whether there will be a discharge or whether any discharge will comply with applicable discharge and water quality requirements, the director may also consider whether the applicant is currently in significant noncompliance of the terms and conditions of any previously issued Certification for another project or activity, and may deny Certification based on the existence of any such outstanding significant noncompliance.

6.3. After review of the application for Certification the director will either:

A. issue a Certification;

B. issue a Certification with specific conditions that must be met in order for the applicant to be in compliance with applicable law;

C. deny the Certification and include reasons for denial;
or

D. waive Certification if the director finds that the activity will:

1. cause minimal or no impacts to the quality of State waters; or

2. have a temporary and limited effect on water quality, as provided in Subsection R317-2-3.5.b.4.

6.4. If a person who is required to obtain a Certification fails to do so, the director may, at his discretion, process an application for Certification after-the-fact. An application for an after-the-fact Certifications will be reviewed under the same standards as timely application for Certification. The director may require restoration, other actions, or both, as a condition of Certification. An after-the-fact applicant shall have the burden of proving what the original baseline conditions were, and a Certification may be denied in the absence of such proof. After-the-fact Certifications will not have retroactive effect. Enforcement action may be taken for failure to obtain a Certification even if a person obtains an after-the-fact permit or license from the federal agency.

6.5. A Certification is a Permit Order and may be challenged as provided in Section 19-1-301.5 and R305-7. A recipient of a Certification shall comply with all conditions of the Certification; any noncompliance is a violation of these rules and is grounds for enforcement action.

R317-15-7. Enforcement.

A Certification shall be considered an order under the Utah Water Quality Act.

R317-15-8. Transfer.

8.1. The applicant shall give written notice to the director of any transfer of the Certification, within 30 days after the transfer.

8.2. The notice shall include a written agreement between the existing and new applicant establishing a specific date for transfer of Certification responsibility, coverage and liability.

KEY: Water Quality Certification, Section 401, 401 Certification, Clean Water Act

Date of Enactment or Last Substantive Amendment: 2013

Authorizing, and Implemented or Interpreted Law: 19-5, 33 U.S.C. 1251-1387

**Insurance, Administration
R590-102-17
Dedicated Fees**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37379

FILED: 02/28/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being updated to implement a change in the fee made during the 2011 Legislative Session, S.B. 2.

SUMMARY OF THE RULE OR CHANGE: The rule is being changed to show the increase in the Bureau of Criminal Investigation (BCI) fee from \$15 to \$20. This change took place in the 2011 Legislative Session, S.B. 2. Making this change in the rule has been overlooked until now.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-3-103(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The change in the above captioned rule will have no effect on the department's or state's budgets. The money collected for background checks goes to the Bureau of Criminal Investigation.

♦ **LOCAL GOVERNMENTS:** Local government will not be affected since they have no input in the department's licensing procedures.

♦ **SMALL BUSINESSES:** Small businesses who pay for the licensing fee of their employees will be affected by the \$5 increase of the BCI fee. As of 05/01/2011, when the bill went into effect, 2,143 individuals were licensed and fingerprinted. In 2012, the FBI fingerprinting charge decreased by \$2.25, offsetting the overall impact of BCI's increase. This affected 2,877 individuals who were licensed that year.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Individuals were charged an additional \$5 to be fingerprinted. In 2011 when the bill went into effect, 2,143 individuals were licensed and fingerprinted. In 2012, the FBI fingerprinting charge decreased by \$2.25, offsetting the overall impact of BCI's increase. This affected 2,877 individuals who were licensed that year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each Utah resident that applies for an insurance license is fingerprinted and a background check is done by both the BCI and the FBI. Between BCI's \$5 increase and the FBI's

\$2.25 decrease the fingerprinting fee has increased \$2.75 overall. The applicant pays for the services of both the FBI and the BCI and that money goes directly to them. These fees do not go to the department or the general fund.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fee change for fingerprinting of in-state producers will have no fiscal impact on the department or the state. All moneys for this process go directly to the BCI and FBI for the background checks they provide. The individual, or agency that pays for the individual's licensure, is now impacted by the overall increase of \$2.75.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 04/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 04/22/2013

AUTHORIZED BY: Todd Kiser, Commissioner

R590. Insurance, Administration.

R590-102. Insurance Department Fee Payment Rule.

R590-102-17. Dedicated Fees.

The following are fees dedicated to specific uses:

(1)(a) annual fraud assessment fee as calculated under Section 31A-31-108 and stated in the invoice - due by the due date on the invoice;

(b) late fee -- due for any fraud assessment fee paid after the due date on the invoice: \$50;

(2) annual title insurance regulation assessment fee as calculated under Section 31A-23a-415 and Rule R592-10 and stated in the invoice - due by the due date on the invoice;

(3) annual title assessment for the Title Recovery, Education, and Research Fund fee:

(a) individual title licensee applicant for initial license or renewal license - due with the initial application or the renewal application: \$15;

(b) agency title licensee applicant - due with the initial application: \$1,000;

(c) annual agency title licensee assessment based on annual written title insurance premium - due by the due date on the invoice:

(i) Band A: \$0 to \$1 million: \$125;

(ii) Band B: more than \$1 million to \$10 million: \$250;

(iii) Band C: more than \$10 million to \$20 million: \$375;

(iv) Band D: more than \$20 million: \$500;

(4) relative value study book fee - due when book purchased or by invoice due date: \$10;

(5) mailing fee for books - due if book is to be mailed to purchaser: \$3;

(6) fingerprint fee - due with application for individual license:

(a) Bureau of Criminal Investigation (BCI): \$[45]20.00;

and

(b) Federal Bureau of Investigation (FBI): \$16.50;

(7) annual health insurance actuarial review assessment fee as calculated under Section 31A-30-115 and stated in the invoice due by the due-date on the invoice.

KEY: insurance fees

Date of Enactment or Last Substantive Amendment: [January 18, 2013]

Notice of Continuation: December 29, 2011

Authorizing, and Implemented or Interpreted Law: 31A-3-103

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.

Administrative Services, Facilities Construction and Management

R23-13

State of Utah Parking Rules for Facilities Managed by the Division of Facilities and Construction and Management

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37357
FILED: 02/20/2013

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Section 63A-5-204, which authorizes the executive director of the Department of Administrative Services to adopt rules governing traffic flow and vehicle parking on state grounds surrounding facilities managed by the Division of Facilities Construction and Management (DFCM), and under Section 53-1-109, authorizing DFCM to enforce traffic rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received either supporting or opposing the 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 should be continued because it

establishes rules for parking at state facilities which are managed by DFCM.

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
ROOM 4110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 02/20/2013

Administrative Services, Facilities Construction and Management

R23-22

General Procedures for Acquisition and Selling of Real Property

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37358
FILED: 02/20/2013

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 63A-5-103(1)(e) which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management (hereinafter referred to as the "Division"). This rule is also authorized and intended to implement the requirements of Section 63A-5-401, as well as Subsection 63A-5-103(1)(e) (iii).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received either supporting or opposing the 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 should be continued because it defines the procedures of the Division of Facilities Construction and Management for acquisition and selling of real property.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ADMINISTRATIVE SERVICES
 FACILITIES CONSTRUCTION AND MANAGEMENT
 ROOM 4110 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
 ♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
 ♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 02/20/2013

Environmental Quality, Administration
R305-2
 Electronic Meeting

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37360
 FILED: 02/25/2013

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 52-4-207 of the Open and Public Meetings Act authorizes public bodies to make a rule governing electronic meetings, and requires them to do so before they may hold an electronic meeting.

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 of Environmental Quality (DEQ) has never received a written comment on 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: The rule is required under Section 52-4-207 in order for the DEQ boards to hold electronic meetings. Since many members of these boards are from outside of the Salt Lake City area, it is critical that these members be allowed to participate electronically. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 ADMINISTRATION
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Debbie Oberndorfer by phone at 801-536-4402, by FAX at 801-536-0061, or by Internet E-mail at doberndorfer@utah.gov

AUTHORIZED BY: Amanda Smith, Executive Director

EFFECTIVE: 02/25/2013

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

Education

Administration

No. 37145 (AMD): R277-484. Data Standards
Published: 01/15/2013
Effective: 02/21/2013

No. 37144 (AMD): R277-487. Public School Student Confidentiality
Published: 01/15/2013
Effective: 02/21/2013

No. 37146 (AMD): R277-502. Educator Licensing and Data Retention
Published: 01/15/2013
Effective: 02/21/2013

No. 37147 (NEW): R277-517. Board and UPPAC Disciplinary Definitions and Actions
Published: 01/15/2013
Effective: 02/21/2013

Environmental Quality

Administration

No. 36776 (NEW): R305-9. Recusal of a Board Member for Conflict of Interest
Published: 10/01/2012
Effective: 02/22/2013

No. 36776 (CPR): R305-9. Recusal of a Board Member for Conflict of Interest
Published: 01/15/2013
Effective: 02/22/2013

Health

Disease Control and Prevention, Environmental Services
No. 37072 (AMD): R392-302-3. General Requirements
Published: 12/15/2012
Effective: 02/28/2013

Health Care Financing, Coverage and Reimbursement Policy
No. 37122 (AMD): R414-1-5. Incorporations by Reference
Published: 01/15/2013
Effective: 03/01/2013

Human Services

Recovery Services

No. 37113 (AMD): R527-258. Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program
Published: 01/15/2013
Effective: 02/22/2013

Insurance

Administration

No. 37118 (AMD): R590-164. Uniform Health Billing Rule
Published: 01/15/2013
Effective: 02/25/2013

Labor Commission

Industrial Accidents

No. 37129 (REP): R612-1. Workers' Compensation Rules - Procedures
Published: 01/15/2013
Effective: 02/25/2013

No. 37130 (REP): R612-2. Workers' Compensation Rules - Health Care Providers
Published: 01/15/2013
Effective: 02/25/2013

No. 37131 (REP): R612-3. Workers' Compensation Rules - Self-Insurance
Published: 01/15/2013
Effective: 02/25/2013

No. 37132 (REP): R612-4. Premium Rates
Published: 01/15/2013
Effective: 02/25/2013

No. 37133 (REP): R612-5. Employee Leasing Company Workers' Compensation Insurance Policy Endorsements
Published: 01/15/2013
Effective: 02/25/2013

No. 37134 (REP): R612-6. Notification of Workers' Compensation Insurance Coverage
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37135 (REP): R612-7. Impairment Ratings for Industrial Injuries and Diseases
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37136 (REP): R612-8. Procedural Guidelines for the Reemployment Act
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37137 (REP): R612-9. Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37138 (REP): R612-10. HIV, Hepatitis B and C Testing and Reporting for Emergency Medical Services Providers
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37139 (REP): R612-11. Prohibition of Direct Payments by Insured Employer
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37140 (REP): R612-12. Workers' Compensation Coverage Waivers
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37141 (REP): R612-13. Proceedings to Impose Non-Reporting Penalties Against Employers
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37124 (NEW): R612-100. Workers' Compensation Rules - General Provisions
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37125 (NEW): R612-200. Workers' Compensation Rules - Filing and Paying Claims
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37126 (NEW): R612-300. Workers' Compensation Rules - Medical Care
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37127 (NEW): R612-400. Workers' Compensation Insurance, Self-Insurance and Waivers
 Published: 01/15/2013
 Effective: 02/25/2013

No. 37128 (NEW): R612-500. Procedural Guidelines for the Reemployment Act
 Published: 01/15/2013
 Effective: 02/25/2013

Public Safety
 Homeland Security
 No. 37117 (NEW): R704-2. Statewide Mutual Aid Act Activation
 Published: 01/15/2013
 Effective: 02/25/2013

Public Service Commission
 Administration
 No. 37116 (AMD): R746-313. Electric Service Reliability
 Published: 01/15/2013
 Effective: 02/21/2013

Tax Commission
 Administration
 No. 37104 (AMD): R861-1A-26. Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209
 Published: 01/01/2013
 Effective: 02/21/2013

No. 37106 (AMD): R861-1A-37. Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404
 Published: 01/01/2013
 Effective: 02/21/2013

No. 37107 (AMD): R861-1A-46. Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110
 Published: 01/01/2013
 Effective: 02/21/2013

Auditing
 No. 37108 (AMD): R865-9I-13. Pass-Through Entity Withholding Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405
 Published: 01/01/2013
 Effective: 02/21/2013

Property Tax
 No. 37109 (AMD): R884-24P-67. Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3
 Published: 01/01/2013
 Effective: 02/21/2013

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, 2013 through March 01, 2013. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules 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).

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 (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

| | |
|--------------------------------|----------------------------------|
| AMD = Amendment | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | 5YR = Five-Year Review |
| EXD = Expired | |

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| R156-37 | Utah Controlled Substances Act Rule | 37040 | AMD | 01/08/2013 | 2012-23/18 |
| R156-37-502 | Unprofessional Conduct | 37175 | NSC | 01/30/2013 | Not Printed |
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| R156-44a | Nurse Midwife Practice Act Rules | 37071 | AMD | 01/22/2013 | 2012-24/11 |
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| R270-2 | Crime Victim Reparations Adjudicative Proceedings | 37063 | AMD | 01/07/2013 | 2012-23/33 |
| R270-2 | Crime Victim Reparations Adjudicative Proceedings | 37167 | NSC | 01/30/2013 | Not Printed |

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| R277-517 | Board and UPPAC Disciplinary Definitions and Actions | 37147 | NEW | 02/21/2013 | 2013-2/15 |
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| R305-9 | Recusal of a Board Member for Conflict of Interest | 36776 | CPR | 02/22/2013 | 2013-2/94 |

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| R307-307 | Davis, Salt Lake, and Utah Counties: Road Salting and Sanding | 36741 | CPR | 02/01/2013 | 2013-1/45 |
| R307-307 | Road Salting and Sanding | 37234 | NSC | 02/15/2013 | Not Printed |
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| R307-312 | Aggregate Processing Operations for PM2.5 Nonattainment Areas | 36740 | CPR | 02/01/2013 | 2013-1/47 |
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| R307-344 | Paper, Film, and Foil Coatings | 36726 | CPR | 02/01/2013 | 2013-1/52 |
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| R307-345 | Fabric and Vinyl Coatings | 36727 | CPR | 02/01/2013 | 2013-1/54 |
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| R307-346 | Metal Furniture Surface Coatings | 36728 | CPR | 02/01/2013 | 2013-1/57 |
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| R307-348 | Magnet Wire Coatings | 36730 | CPR | 02/01/2013 | 2013-1/61 |
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| R307-355 | Control of Emissions from Aerospace Manufacture and Rework Facilities | 36737 | CPR | 02/01/2013 | 2013-1/82 |
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LABOR COMMISSION

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ABBREVIATIONS

| | |
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| AMD = Amendment | NSC = Nonsubstantive rule change |
| CPR = Change in proposed rule | REP = Repeal |
| EMR = Emergency rule (120 day) | R&R = Repeal and reenact |
| NEW = New rule | 5YR = Five-Year Review |
| EXD = Expired | |

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| <u>educator licensing</u> | | | | | | |
| Education, Administration | 37058 | R277-502 | AMD | 01/07/2013 | 2012-23/34 | |
| | 37146 | R277-502 | AMD | 02/21/2013 | 2013-2/10 | |
| <u>educators</u> | | | | | | |
| Education, Administration | 37147 | R277-517 | NEW | 02/21/2013 | 2013-2/15 | |
| <u>effective date</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37174 | R414-306 | EMR | 01/07/2013 | 2013-3/105 | |
| | 37218 | R414-306 | 5YR | 01/23/2013 | 2013-4/55 | |
| <u>effluent standards</u> | | | | | | |
| Environmental Quality, Water Quality | 37240 | R317-13 | 5YR | 01/31/2013 | 2013-4/51 | |
| <u>electric generating unit</u> | | | | | | |
| Environmental Quality, Air Quality | 37254 | R307-224 | 5YR | 02/06/2013 | 2013-5/195 | |
| <u>electric generating units</u> | | | | | | |
| Environmental Quality, Air Quality | 37258 | R307-220 | 5YR | 02/06/2013 | 2013-5/193 | |
| <u>electronic meetings</u> | | | | | | |
| Environmental Quality, Administration | 37360 | R305-2 | 5YR | 02/25/2013 | Not Printed | |
| <u>eligibility</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37215 | R414-302 | 5YR | 01/23/2013 | 2013-4/53 | |
| | 37223 | R414-308 | 5YR | 01/23/2013 | 2013-4/55 | |
| <u>emission controls</u> | | | | | | |
| Environmental Quality, Air Quality | 36725 | R307-340 | REP | 02/01/2013 | 2012-19/49 | |
| | 36725 | R307-340 | CPR | 02/01/2013 | 2013-1/48 | |
| | 36727 | R307-345 | NEW | 02/01/2013 | 2012-19/67 | |
| | 36727 | R307-345 | CPR | 02/01/2013 | 2013-1/54 | |
| | 36728 | R307-346 | NEW | 02/01/2013 | 2012-19/69 | |
| | 36728 | R307-346 | CPR | 02/01/2013 | 2013-1/57 | |
| | 36729 | R307-347 | NEW | 02/01/2013 | 2012-19/71 | |
| | 36729 | R307-347 | CPR | 02/01/2013 | 2013-1/59 | |
| | 36730 | R307-348 | NEW | 02/01/2013 | 2012-19/73 | |
| | 36730 | R307-348 | CPR | 02/01/2013 | 2013-1/61 | |
| | 36731 | R307-349 | NEW | 02/01/2013 | 2012-19/74 | |
| | 36731 | R307-349 | CPR | 02/01/2013 | 2013-1/63 | |
| | 36732 | R307-350 | NEW | 02/01/2013 | 2012-19/76 | |
| | 36732 | R307-350 | CPR | 02/01/2013 | 2013-1/65 | |
| | 36734 | R307-352 | NEW | 02/01/2013 | 2012-19/84 | |
| | 36734 | R307-352 | CPR | 02/01/2013 | 2013-1/73 | |
| <u>employers</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37133 | R612-5 | REP | 02/25/2013 | 2013-2/46 | |
| <u>enterprise zones</u> | | | | | | |
| Tax Commission, Auditing | 37108 | R865-9I-13 | AMD | 02/21/2013 | 2013-1/20 | |
| | 37178 | R865-9I-46 | NSC | 01/31/2013 | Not Printed | |

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|--|-------|--------------|-----|------------|-------------|--|
| <u>environmental protection</u> | | | | | | |
| Environmental Quality, Air Quality | 37260 | R307-115 | 5YR | 02/06/2013 | 2013-5/192 | |
| <u>evidentiary</u> | | | | | | |
| Pardons (Board Of), Administration | 37350 | R671-517 | 5YR | 02/15/2013 | 2013-5/216 | |
| <u>eye exams</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 37028 | R384-201 | NEW | 02/20/2013 | 2012-23/42 | |
| <u>fabric coating</u> | | | | | | |
| Environmental Quality, Air Quality | 36727 | R307-345 | NEW | 02/01/2013 | 2012-19/67 | |
| | 36727 | R307-345 | CPR | 02/01/2013 | 2013-1/54 | |
| <u>facilities use</u> | | | | | | |
| Capitol Preservation Board (State), Administration | 37064 | R131-2 | AMD | 01/07/2013 | 2012-23/9 | |
| <u>fees</u> | | | | | | |
| Environmental Quality, Radiation Control | 37188 | R313-70 | NSC | 01/31/2013 | Not Printed | |
| Labor Commission, Industrial Accidents | 37130 | R612-2 | REP | 02/25/2013 | 2013-2/35 | |
| | 37126 | R612-300 | NEW | 02/25/2013 | 2013-2/66 | |
| <u>filing deadlines</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37129 | R612-1 | REP | 02/25/2013 | 2013-2/28 | |
| | 37125 | R612-200 | NEW | 02/25/2013 | 2013-2/62 | |
| <u>film coating</u> | | | | | | |
| Environmental Quality, Air Quality | 36726 | R307-344 | NEW | 02/01/2013 | 2012-19/65 | |
| | 36726 | R307-344 | CPR | 02/01/2013 | 2013-1/52 | |
| <u>financial disclosures</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37217 | R414-304 | 5YR | 01/23/2013 | 2013-4/54 | |
| <u>fish</u> | | | | | | |
| Natural Resources, Wildlife Resources | 37069 | R657-13 | AMD | 01/22/2013 | 2012-24/29 | |
| | 37203 | R657-58 | 5YR | 01/15/2013 | 2013-3/114 | |
| <u>fishing</u> | | | | | | |
| Natural Resources, Wildlife Resources | 37069 | R657-13 | AMD | 01/22/2013 | 2012-24/29 | |
| | 37203 | R657-58 | 5YR | 01/15/2013 | 2013-3/114 | |
| <u>flat wood paneling</u> | | | | | | |
| Environmental Quality, Air Quality | 36731 | R307-349 | NEW | 02/01/2013 | 2012-19/74 | |
| | 36731 | R307-349 | CPR | 02/01/2013 | 2013-1/63 | |
| <u>foil coating</u> | | | | | | |
| Environmental Quality, Air Quality | 36726 | R307-344 | NEW | 02/01/2013 | 2012-19/65 | |
| | 36726 | R307-344 | CPR | 02/01/2013 | 2013-1/52 | |
| <u>food stamps</u> | | | | | | |
| Workforce Services, Employment Development | 37067 | R986-900-902 | AMD | 01/08/2013 | 2012-23/50 | |
| <u>general conformity</u> | | | | | | |
| Environmental Quality, Air Quality | 37260 | R307-115 | 5YR | 02/06/2013 | 2013-5/192 | |
| <u>general licenses</u> | | | | | | |
| Environmental Quality, Radiation Control | 37181 | R313-21 | NSC | 01/31/2013 | Not Printed | |
| <u>good cause</u> | | | | | | |
| Pardons (Board Of), Administration | 37348 | R671-515 | 5YR | 02/15/2013 | 2013-5/215 | |
| <u>graphic arts</u> | | | | | | |
| Environmental Quality, Air Quality | 36733 | R307-351 | NEW | 02/01/2013 | 2012-19/80 | |
| | 36733 | R307-351 | CPR | 02/01/2013 | 2013-1/69 | |
| | 37235 | R307-351-4 | NSC | 02/15/2013 | Not Printed | |

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| <u>greenhouse gases</u> | | | | | |
| Environmental Quality, Air Quality | 37037 | R307-401-15 | AMD | 02/07/2013 | 2012-23/40 |
| | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
| <u>grievance procedures</u> | | | | | |
| Tax Commission, Administration | 36991 | R861-1A-12 | AMD | 01/10/2013 | 2012-22/144 |
| | 37104 | R861-1A-26 | AMD | 02/21/2013 | 2013-1/15 |
| | 37106 | R861-1A-37 | AMD | 02/21/2013 | 2013-1/17 |
| | 37107 | R861-1A-46 | AMD | 02/21/2013 | 2013-1/18 |
| <u>health care facilities</u> | | | | | |
| Health, Family Health and Preparedness, Licensing | 37281 | R432-16 | 5YR | 02/11/2013 | 2013-5/209 |
| <u>hearings</u> | | | | | |
| Environmental Quality, Administration | 36554 | R305-6 | REP | 01/31/2013 | 2012-16/28 |
| | 36554 | R305-6 | CPR | 01/31/2013 | 2013-1/32 |
| | 36553 | R305-7 | NEW | 01/31/2013 | 2012-16/45 |
| | 36553 | R305-7 | CPR | 01/31/2013 | 2013-1/32 |
| Environmental Quality, Water Quality | 37239 | R317-9 | 5YR | 01/31/2013 | 2013-4/51 |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37221 | R414-301 | 5YR | 01/23/2013 | 2013-4/52 |
| Pardons (Board Of), Administration | 37346 | R671-513 | 5YR | 02/15/2013 | 2013-5/214 |
| | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215 |
| | 37350 | R671-517 | 5YR | 02/15/2013 | 2013-5/216 |
| | 37352 | R671-519 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37353 | R671-520 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37354 | R671-522 | 5YR | 02/15/2013 | 2013-5/218 |
| Professional Practices Advisory Commission, Administration | 37243 | R686-100 | 5YR | 02/01/2013 | 2013-4/60 |
| <u>historic preservation</u> | | | | | |
| Tax Commission, Auditing | 37108 | R865-9I-13 | AMD | 02/21/2013 | 2013-1/20 |
| | 37178 | R865-9I-46 | NSC | 01/31/2013 | Not Printed |
| <u>historical significance</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 37358 | R23-22 | 5YR | 02/20/2013 | Not Printed |
| <u>hospitals</u> | | | | | |
| Environmental Quality, Air Quality | 37256 | R307-222 | 5YR | 02/06/2013 | 2013-5/194 |
| <u>human services</u> | | | | | |
| Human Services, Services for People with Disabilities | 37110 | R539-1 | AMD | 02/13/2013 | 2013-1/2 |
| <u>IEEE 1366</u> | | | | | |
| Public Service Commission, Administration | 37116 | R746-313 | AMD | 02/21/2013 | 2013-2/87 |
| <u>impairment ratings</u> | | | | | |
| Labor Commission, Industrial Accidents | 37135 | R612-7 | REP | 02/25/2013 | 2013-2/49 |
| <u>incidents</u> | | | | | |
| Pardons (Board Of), Administration | 37342 | R671-509 | 5YR | 02/15/2013 | 2013-5/212 |
| <u>incinerators</u> | | | | | |
| Environmental Quality, Air Quality | 37258 | R307-220 | 5YR | 02/06/2013 | 2013-5/193 |
| <u>income</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37173 | R414-303 | EMR | 01/07/2013 | 2013-3/103 |
| | 37216 | R414-303 | 5YR | 01/23/2013 | 2013-4/53 |
| | 37217 | R414-304 | 5YR | 01/23/2013 | 2013-4/54 |
| <u>income tax</u> | | | | | |
| Tax Commission, Auditing | 37108 | R865-9I-13 | AMD | 02/21/2013 | 2013-1/20 |
| | 37178 | R865-9I-46 | NSC | 01/31/2013 | Not Printed |

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| <u>income withholding fees</u> | | | | | | |
| Human Services, Recovery Services | 37231 | R527-302 | 5YR | 01/28/2013 | 2013-4/59 | |
| <u>independent foster care adolescent</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37173 | R414-303 | EMR | 01/07/2013 | 2013-3/103 | |
| | 37216 | R414-303 | 5YR | 01/23/2013 | 2013-4/53 | |
| <u>industrial waste</u> | | | | | | |
| Environmental Quality, Water Quality | 37240 | R317-13 | 5YR | 01/31/2013 | 2013-4/51 | |
| <u>industry</u> | | | | | | |
| Environmental Quality, Radiation Control | 37186 | R313-36 | NSC | 01/31/2013 | Not Printed | |
| <u>infectious waste</u> | | | | | | |
| Environmental Quality, Air Quality | 37256 | R307-222 | 5YR | 02/06/2013 | 2013-5/194 | |
| <u>informal adjudicative proceedings</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37137 | R612-9 | REP | 02/25/2013 | 2013-2/52 | |
| <u>inspections</u> | | | | | | |
| Agriculture and Food, Plant Industry | 37249 | R68-5 | 5YR | 02/05/2013 | 2013-5/189 | |
| Environmental Quality, Radiation Control | 37179 | R313-16 | NSC | 01/31/2013 | Not Printed | |
| <u>insurance</u> | | | | | | |
| Insurance, Administration | 36846 | R590-171 | AMD | 01/22/2013 | 2012-20/74 | |
| | 36846 | R590-171 | CPR | 01/22/2013 | 2012-24/32 | |
| | 37230 | R590-171-3 | NSC | 02/15/2013 | Not Printed | |
| | 37176 | R590-218 | 5YR | 01/09/2013 | 2013-3/113 | |
| Labor Commission, Industrial Accidents | 37133 | R612-5 | REP | 02/25/2013 | 2013-2/46 | |
| | 37127 | R612-400 | NEW | 02/25/2013 | 2013-2/76 | |
| <u>insurance fee</u> | | | | | | |
| Insurance, Administration | 37171 | R590-157 | 5YR | 01/07/2013 | 2013-3/112 | |
| <u>insurance fees</u> | | | | | | |
| Insurance, Administration | 37018 | R590-102 | AMD | 01/18/2013 | 2012-22/131 | |
| | 37220 | R590-102-4 | NSC | 02/15/2013 | Not Printed | |
| <u>insurance law</u> | | | | | | |
| Insurance, Administration | 37118 | R590-164 | AMD | 02/25/2013 | 2013-2/24 | |
| <u>interns</u> | | | | | | |
| Education, Administration | 37059 | R277-509 | AMD | 01/07/2013 | 2012-23/39 | |
| <u>interstate</u> | | | | | | |
| Human Services, Recovery Services | 37168 | R527-305 | 5YR | 01/03/2013 | 2013-3/111 | |
| <u>interstate system</u> | | | | | | |
| Transportation, Administration | 37094 | R907-64 | R&R | 02/07/2013 | 2013-1/23 | |
| <u>irradiator</u> | | | | | | |
| Environmental Quality, Radiation Control | 37185 | R313-34 | NSC | 01/31/2013 | Not Printed | |
| <u>job creation</u> | | | | | | |
| Governor, Economic Development | 37206 | R357-2 | EXT | 01/16/2013 | 2013-4/63 | |
| <u>juvenile courts</u> | | | | | | |
| Education, Administration | 37244 | R277-709-3 | NSC | 02/15/2013 | Not Printed | |
| <u>landfills</u> | | | | | | |
| Environmental Quality, Air Quality | 37258 | R307-220 | 5YR | 02/06/2013 | 2013-5/193 | |
| <u>landscape architects</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37274 | R156-53 | 5YR | 02/07/2013 | 2013-5/190 | |

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large appliance

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| Environmental Quality, Air Quality | 36729 | R307-347 | NEW | 02/01/2013 | 2012-19/71 |
| | 36729 | R307-347 | CPR | 02/01/2013 | 2013-1/59 |

law enforcement

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| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37226 | R722-320 | 5YR | 01/24/2013 | 2013-4/61 |
| | 37227 | R722-320 | NSC | 02/15/2013 | Not Printed |

liberties

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| Natural Resources, Administration | 37219 | R634-1 | 5YR | 01/23/2013 | 2013-4/59 |
|-----------------------------------|-------|--------|-----|------------|-----------|

licensing

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|---|-------|-------------|-----|------------|-------------|
| Commerce, Occupational and Professional Licensing | 37073 | R156-3a-102 | AMD | 01/24/2013 | 2012-24/6 |
| | 37040 | R156-37 | AMD | 01/08/2013 | 2012-23/18 |
| | 37175 | R156-37-502 | NSC | 01/30/2013 | Not Printed |
| | 37039 | R156-37f | NEW | 01/08/2013 | 2012-23/21 |
| | 37071 | R156-44a | AMD | 01/22/2013 | 2012-24/11 |
| | 37273 | R156-49 | 5YR | 02/07/2013 | 2013-5/189 |
| | 37274 | R156-53 | 5YR | 02/07/2013 | 2013-5/190 |
| | 37272 | R156-68 | 5YR | 02/07/2013 | 2013-5/191 |
| Environmental Quality, Radiation Control | 37186 | R313-36 | NSC | 01/31/2013 | Not Printed |

licensing and certification

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|-----------------------|-------|---------|-----|------------|------------|
| Commerce, Real Estate | 36973 | R162-2g | AMD | 01/02/2013 | 2012-22/19 |
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longitudinal access

| | | | | | |
|--------------------------------|-------|---------|-----|------------|-----------|
| Transportation, Administration | 37094 | R907-64 | R&R | 02/07/2013 | 2013-1/23 |
|--------------------------------|-------|---------|-----|------------|-----------|

magnet wire

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|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 36730 | R307-348 | NEW | 02/01/2013 | 2012-19/73 |
| | 36730 | R307-348 | CPR | 02/01/2013 | 2013-1/61 |

major event

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|---|-------|----------|-----|------------|-----------|
| Public Service Commission, Administration | 37116 | R746-313 | AMD | 02/21/2013 | 2013-2/87 |
|---|-------|----------|-----|------------|-----------|

mammography

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|--|-------|---------|-----|------------|-------------|
| Environmental Quality, Radiation Control | 37183 | R313-28 | NSC | 01/31/2013 | Not Printed |
|--|-------|---------|-----|------------|-------------|

market trading program

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| Environmental Quality, Air Quality | 37253 | R307-250 | 5YR | 02/06/2013 | 2013-5/196 |
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Medicaid

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|--|-------|----------|-----|------------|------------|
| Health, Health Care Financing | 37045 | R410-14 | AMD | 01/09/2013 | 2012-23/44 |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37122 | R414-1-5 | AMD | 03/01/2013 | 2013-2/18 |
| | 37177 | R414-27 | 5YR | 01/09/2013 | 2013-3/109 |
| | 37221 | R414-301 | 5YR | 01/23/2013 | 2013-4/52 |
| | 37215 | R414-302 | 5YR | 01/23/2013 | 2013-4/53 |
| | 37222 | R414-305 | 5YR | 01/23/2013 | 2013-4/54 |
| | 37223 | R414-308 | 5YR | 01/23/2013 | 2013-4/55 |

medical incinerators

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| Environmental Quality, Air Quality | 37256 | R307-222 | 5YR | 02/06/2013 | 2013-5/194 |
|------------------------------------|-------|----------|-----|------------|------------|

medical practitioners

| | | | | | |
|--|-------|----------|-----|------------|-----------|
| Labor Commission, Industrial Accidents | 37130 | R612-2 | REP | 02/25/2013 | 2013-2/35 |
| | 37126 | R612-300 | NEW | 02/25/2013 | 2013-2/66 |

medical transportation

| | | | | | |
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| Health, Health Care Financing, Coverage and Reimbursement Policy | 37174 | R414-306 | EMR | 01/07/2013 | 2013-3/105 |
| | 37218 | R414-306 | 5YR | 01/23/2013 | 2013-4/55 |

medication treatment

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| Human Services, Substance Abuse and Mental Health, State Hospital | 37224 | R525-3 | 5YR | 01/24/2013 | 2013-4/56 |
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| <u>mercury</u> | | | | | | |
| Environmental Quality, Air Quality | 37254 | R307-224 | 5YR | 02/06/2013 | 2013-5/195 | |
| <u>metal containers</u> | | | | | | |
| Environmental Quality, Air Quality | 36734 | R307-352 | NEW | 02/01/2013 | 2012-19/84 | |
| | 36734 | R307-352 | CPR | 02/01/2013 | 2013-1/73 | |
| <u>metal furniture</u> | | | | | | |
| Environmental Quality, Air Quality | 36728 | R307-346 | NEW | 02/01/2013 | 2012-19/69 | |
| | 36728 | R307-346 | CPR | 02/01/2013 | 2013-1/57 | |
| <u>midwifery</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37071 | R156-44a | AMD | 01/22/2013 | 2012-24/11 | |
| <u>miscellaneous metal parts</u> | | | | | | |
| Environmental Quality, Air Quality | 36732 | R307-350 | NEW | 02/01/2013 | 2012-19/76 | |
| | 36732 | R307-350 | CPR | 02/01/2013 | 2013-1/65 | |
| <u>monitoring</u> | | | | | | |
| Environmental Quality, Air Quality | 37259 | R307-170 | 5YR | 02/06/2013 | 2013-5/192 | |
| <u>municipal landfills</u> | | | | | | |
| Environmental Quality, Air Quality | 37257 | R307-221 | 5YR | 02/06/2013 | 2013-5/194 | |
| <u>municipal waste incinerator</u> | | | | | | |
| Environmental Quality, Air Quality | 37255 | R307-223 | 5YR | 02/06/2013 | 2013-5/195 | |
| <u>nuclear medicine</u> | | | | | | |
| Environmental Quality, Radiation Control | 37184 | R313-32 | NSC | 01/31/2013 | Not Printed | |
| <u>off-highway vehicles</u> | | | | | | |
| Natural Resources, Parks and Recreation | 36856 | R651-408 | REP | 01/15/2013 | 2012-20/77 | |
| <u>oil and gas law</u> | | | | | | |
| Natural Resources, Oil, Gas and Mining; Oil and Gas | 36992 | R649-3-38 | AMD | 01/23/2013 | 2012-22/140 | |
| <u>osteopathic physician</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37272 | R156-68 | 5YR | 02/07/2013 | 2013-5/191 | |
| <u>osteopaths</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37272 | R156-68 | 5YR | 02/07/2013 | 2013-5/191 | |
| <u>overpayments</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 37066 | R994-305 | AMD | 01/08/2013 | 2012-23/52 | |
| | 37023 | R994-305-1201 | AMD | 01/02/2013 | 2012-22/147 | |
| | 37024 | R994-406 | AMD | 01/02/2013 | 2012-22/148 | |
| <u>ozone</u> | | | | | | |
| Environmental Quality, Air Quality | 36725 | R307-340 | REP | 02/01/2013 | 2012-19/49 | |
| | 36725 | R307-340 | CPR | 02/01/2013 | 2013-1/48 | |
| <u>paper coating</u> | | | | | | |
| Environmental Quality, Air Quality | 36726 | R307-344 | NEW | 02/01/2013 | 2012-19/65 | |
| | 36726 | R307-344 | CPR | 02/01/2013 | 2013-1/52 | |
| <u>parking facilities</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 37357 | R23-13 | 5YR | 02/20/2013 | Not Printed | |
| <u>parole</u> | | | | | | |
| Pardons (Board Of), Administration | 37342 | R671-509 | 5YR | 02/15/2013 | 2013-5/212 | |
| | 37343 | R671-510 | 5YR | 02/15/2013 | 2013-5/212 | |
| | 37344 | R671-512 | 5YR | 02/15/2013 | 2013-5/213 | |
| | 37346 | R671-513 | 5YR | 02/15/2013 | 2013-5/214 | |
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| | 37348 | R671-515 | 5YR | 02/15/2013 | 2013-5/215 | |

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| | 37351 | R671-518 | 5YR | 02/15/2013 | 2013-5/216 |
| | 37352 | R671-519 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37353 | R671-520 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37354 | R671-522 | 5YR | 02/15/2013 | 2013-5/218 |
| <u>particulates</u> | | | | | |
| Environmental Quality, Air Quality | 36741 | R307-307 | AMD | 02/01/2013 | 2012-19/42 |
| | 36741 | R307-307 | CPR | 02/01/2013 | 2013-1/45 |
| | 37234 | R307-307 | NSC | 02/15/2013 | Not Printed |
| <u>patient rights</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37211 | R525-2 | 5YR | 01/23/2013 | 2013-4/56 |
| <u>penalties</u> | | | | | |
| Labor Commission, Industrial Accidents | 37137 | R612-9 | REP | 02/25/2013 | 2013-2/52 |
| | 37141 | R612-13 | REP | 02/25/2013 | 2013-2/57 |
| <u>people with disabilities</u> | | | | | |
| Human Services, Services for People with Disabilities | 37111 | R539-2 | AMD | 02/13/2013 | 2013-1/8 |
| <u>permits</u> | | | | | |
| Environmental Quality, Air Quality | 37037 | R307-401-15 | AMD | 02/07/2013 | 2012-23/40 |
| | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
| <u>personal property</u> | | | | | |
| Tax Commission, Property Tax | 37109 | R884-24P-67 | AMD | 02/21/2013 | 2013-1/22 |
| <u>pleas</u> | | | | | |
| Pardons (Board Of), Administration | 37347 | R671-514 | 5YR | 02/15/2013 | 2013-5/214 |
| <u>pools</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 37072 | R392-302-3 | AMD | 02/28/2013 | 2012-24/26 |
| <u>POTW</u> | | | | | |
| Environmental Quality, Water Quality | 37241 | R317-14 | 5YR | 01/31/2013 | 2013-4/52 |
| <u>printing operations</u> | | | | | |
| Environmental Quality, Air Quality | 36733 | R307-351 | NEW | 02/01/2013 | 2012-19/80 |
| | 36733 | R307-351 | CPR | 02/01/2013 | 2013-1/69 |
| | 37235 | R307-351-4 | NSC | 02/15/2013 | Not Printed |
| <u>probable cause</u> | | | | | |
| Pardons (Board Of), Administration | 37343 | R671-510 | 5YR | 02/15/2013 | 2013-5/212 |
| <u>professional</u> | | | | | |
| Education, Administration | 37147 | R277-517 | NEW | 02/21/2013 | 2013-2/15 |
| <u>professional competency</u> | | | | | |
| Education, Administration | 37058 | R277-502 | AMD | 01/07/2013 | 2012-23/34 |
| | 37146 | R277-502 | AMD | 02/21/2013 | 2013-2/10 |
| <u>professional engineers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 37074 | R156-22 | AMD | 01/24/2013 | 2012-24/7 |
| <u>professional land surveyors</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 37074 | R156-22 | AMD | 01/24/2013 | 2012-24/7 |
| <u>professional structural engineers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 37074 | R156-22 | AMD | 01/24/2013 | 2012-24/7 |
| <u>program benefits</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37174 | R414-306 | EMR | 01/07/2013 | 2013-3/105 |

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| | 37218 | R414-306 | 5YR | 01/23/2013 | 2013-4/55 |
| <u>prohibited items and devices</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37212 | R525-6 | 5YR | 01/23/2013 | 2013-4/58 |
| <u>property tax</u> | | | | | |
| Tax Commission, Property Tax | 37109 | R884-24P-67 | AMD | 02/21/2013 | 2013-1/22 |
| <u>property transactions</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 37358 | R23-22 | 5YR | 02/20/2013 | Not Printed |
| <u>public assistance</u> | | | | | |
| Workforce Services, Employment Development | 37067 | R986-900-902 | AMD | 01/08/2013 | 2012-23/50 |
| <u>public assistance programs</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37215 | R414-302 | 5YR | 01/23/2013 | 2013-4/53 |
| | 37223 | R414-308 | 5YR | 01/23/2013 | 2013-4/55 |
| <u>public buildings</u> | | | | | |
| Capitol Preservation Board (State), Administration | 37064 | R131-2 | AMD | 01/07/2013 | 2012-23/9 |
| <u>public utilities</u> | | | | | |
| Public Service Commission, Administration | 37041 | R746-320 | AMD | 01/07/2013 | 2012-23/48 |
| <u>radiation</u> | | | | | |
| Environmental Quality, Radiation Control | 37180 | R313-25 | NSC | 01/31/2013 | Not Printed |
| | 37185 | R313-34 | NSC | 01/31/2013 | Not Printed |
| <u>radiation safety</u> | | | | | |
| Environmental Quality, Radiation Control | 37185 | R313-34 | NSC | 01/31/2013 | Not Printed |
| <u>radioactive materials</u> | | | | | |
| Environmental Quality, Radiation Control | 37181 | R313-21 | NSC | 01/31/2013 | Not Printed |
| | 37184 | R313-32 | NSC | 01/31/2013 | Not Printed |
| | 37186 | R313-36 | NSC | 01/31/2013 | Not Printed |
| | 37187 | R313-38 | NSC | 01/31/2013 | Not Printed |
| | 37188 | R313-70 | NSC | 01/31/2013 | Not Printed |
| <u>radioactive waste disposal</u> | | | | | |
| Environmental Quality, Radiation Control | 37180 | R313-25 | NSC | 01/31/2013 | Not Printed |
| <u>radioactive waste generator permit</u> | | | | | |
| Environmental Quality, Radiation Control | 37182 | R313-26 | NSC | 01/31/2013 | Not Printed |
| <u>radiopharmaceutical</u> | | | | | |
| Environmental Quality, Radiation Control | 37184 | R313-32 | NSC | 01/31/2013 | Not Printed |
| <u>rates</u> | | | | | |
| Labor Commission, Industrial Accidents | 37132 | R612-4 | REP | 02/25/2013 | 2013-2/46 |
| | 37127 | R612-400 | NEW | 02/25/2013 | 2013-2/76 |
| <u>raw milk</u> | | | | | |
| Agriculture and Food, Regulatory Services | 36915 | R70-320-18 | AMD | 01/29/2013 | 2012-21/8 |
| | 36914 | R70-330 | AMD | 01/29/2013 | 2012-21/9 |
| <u>real estate</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 37358 | R23-22 | 5YR | 02/20/2013 | Not Printed |
| <u>real estate appraisals</u> | | | | | |
| Commerce, Real Estate | 36973 | R162-2g | AMD | 01/02/2013 | 2012-22/19 |
| <u>records</u> | | | | | |
| Education, Administration | 37144 | R277-487 | AMD | 02/21/2013 | 2013-2/7 |

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| | 36776 | R305-9 | CPR | 02/22/2013 | 2013-2/94 |
| <u>reemployment guidelines</u> | | | | | |
| Labor Commission, Industrial Accidents | 37128 | R612-500 | NEW | 02/25/2013 | 2013-2/79 |
| <u>reemployment workers' compensation guidelines</u> | | | | | |
| Labor Commission, Industrial Accidents | 37136 | R612-8 | REP | 02/25/2013 | 2013-2/50 |
| <u>registration</u> | | | | | |
| Environmental Quality, Radiation Control | 37188 | R313-70 | NSC | 01/31/2013 | Not Printed |
| <u>reliability</u> | | | | | |
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| <u>reporting</u> | | | | | |
| Labor Commission, Industrial Accidents | 37138 | R612-10 | REP | 02/25/2013 | 2013-2/53 |
| | 37139 | R612-11 | REP | 02/25/2013 | 2013-2/54 |
| | 37140 | R612-12 | REP | 02/25/2013 | 2013-2/55 |
| | 37141 | R612-13 | REP | 02/25/2013 | 2013-2/57 |
| <u>reports</u> | | | | | |
| Education, Administration | 37145 | R277-484 | AMD | 02/21/2013 | 2013-2/4 |
| <u>resources</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37222 | R414-305 | 5YR | 01/23/2013 | 2013-4/54 |
| <u>revocation</u> | | | | | |
| Pardons (Board Of), Administration | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215 |
| <u>right-of-way</u> | | | | | |
| Transportation, Administration | 37094 | R907-64 | R&R | 02/07/2013 | 2013-1/23 |
| <u>roads</u> | | | | | |
| Environmental Quality, Air Quality | 36741 | R307-307 | AMD | 02/01/2013 | 2012-19/42 |
| | 36741 | R307-307 | CPR | 02/01/2013 | 2013-1/45 |
| | 37234 | R307-307 | NSC | 02/15/2013 | Not Printed |
| <u>rules and procedures</u> | | | | | |
| Public Service Commission, Administration | 37041 | R746-320 | AMD | 01/07/2013 | 2012-23/48 |
| <u>Rural Broadband Service Fund</u> | | | | | |
| Governor, Economic Development | 37206 | R357-2 | EXT | 01/16/2013 | 2013-4/63 |
| <u>rural economic development</u> | | | | | |
| Governor, Economic Development | 37206 | R357-2 | EXT | 01/16/2013 | 2013-4/63 |
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| Public Service Commission, Administration | 37116 | R746-313 | AMD | 02/21/2013 | 2013-2/87 |
| <u>salons</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 37251 | R392-700 | 5YR | 02/06/2013 | 2013-5/209 |
| <u>sanitation</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 37251 | R392-700 | 5YR | 02/06/2013 | 2013-5/209 |
| <u>school vision</u> | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 37028 | R384-201 | NEW | 02/20/2013 | 2012-23/42 |
| <u>schools</u> | | | | | |
| Environmental Quality, Air Quality | 37252 | R307-801 | 5YR | 02/06/2013 | 2013-5/197 |

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| <u>secure areas</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37212 | R525-6 | 5YR | 01/23/2013 | 2013-4/58 | |
| <u>securities</u> | | | | | | |
| Commerce, Securities | 37042 | R164-31-1 | AMD | 01/08/2013 | 2012-23/26 | |
| <u>securities regulations</u> | | | | | | |
| Commerce, Securities | 37042 | R164-31-1 | AMD | 01/08/2013 | 2012-23/26 | |
| <u>self insurance plans</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37131 | R612-3 | REP | 02/25/2013 | 2013-2/43 | |
| <u>seniors</u> | | | | | | |
| Human Services, Aging and Adult Services | 37277 | R510-105 | 5YR | 02/08/2013 | 2013-5/210 | |
| <u>services</u> | | | | | | |
| Human Services, Services for People with Disabilities | 37111 | R539-2 | AMD | 02/13/2013 | 2013-1/8 | |
| <u>settlements</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37138 | R612-10 | REP | 02/25/2013 | 2013-2/53 | |
| | 37139 | R612-11 | REP | 02/25/2013 | 2013-2/54 | |
| | 37140 | R612-12 | REP | 02/25/2013 | 2013-2/55 | |
| <u>social security numbers</u> | | | | | | |
| Human Services, Services for People with Disabilities | 37110 | R539-1 | AMD | 02/13/2013 | 2013-1/2 | |
| <u>solid waste management</u> | | | | | | |
| Environmental Quality, Solid and Hazardous Waste | 37282 | R315-301 | 5YR | 02/13/2013 | 2013-5/198 | |
| | 37283 | R315-302 | 5YR | 02/13/2013 | 2013-5/198 | |
| | 37284 | R315-303 | 5YR | 02/13/2013 | 2013-5/199 | |
| | 37285 | R315-304 | 5YR | 02/13/2013 | 2013-5/200 | |
| | 37286 | R315-305 | 5YR | 02/13/2013 | 2013-5/200 | |
| | 37287 | R315-306 | 5YR | 02/13/2013 | 2013-5/201 | |
| | 37288 | R315-307 | 5YR | 02/13/2013 | 2013-5/201 | |
| | 37289 | R315-308 | 5YR | 02/13/2013 | 2013-5/202 | |
| | 37290 | R315-309 | 5YR | 02/13/2013 | 2013-5/202 | |
| | 37291 | R315-310 | 5YR | 02/13/2013 | 2013-5/203 | |
| | 37292 | R315-311 | 5YR | 02/13/2013 | 2013-5/204 | |
| | 37293 | R315-312 | 5YR | 02/13/2013 | 2013-5/204 | |
| | 37294 | R315-313 | 5YR | 02/13/2013 | 2013-5/205 | |
| | 37295 | R315-314 | 5YR | 02/13/2013 | 2013-5/205 | |
| | 37296 | R315-315 | 5YR | 02/13/2013 | 2013-5/206 | |
| | 37297 | R315-316 | 5YR | 02/13/2013 | 2013-5/206 | |
| | 37298 | R315-317 | 5YR | 02/13/2013 | 2013-5/207 | |
| | 37299 | R315-318 | 5YR | 02/13/2013 | 2013-5/208 | |
| | 37300 | R315-320 | 5YR | 02/13/2013 | 2013-5/208 | |
| <u>solvent cleaning</u> | | | | | | |
| Environmental Quality, Air Quality | 36737 | R307-355 | NEW | 02/01/2013 | 2012-19/91 | |
| <u>source development</u> | | | | | | |
| Environmental Quality, Drinking Water | 36562 | R309-515-6 | AMD | 01/16/2013 | 2012-16/66 | |
| | 36562 | R309-515-6 | CPR | 01/16/2013 | 2012-23/70 | |
| <u>source maintenance</u> | | | | | | |
| Environmental Quality, Drinking Water | 36562 | R309-515-6 | AMD | 01/16/2013 | 2012-16/66 | |
| | 36562 | R309-515-6 | CPR | 01/16/2013 | 2012-23/70 | |
| <u>source materials</u> | | | | | | |
| Environmental Quality, Radiation Control | 37181 | R313-21 | NSC | 01/31/2013 | Not Printed | |
| <u>spas</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 37072 | R392-302-3 | AMD | 02/28/2013 | 2012-24/26 | |

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| <u>standards</u> | | | | | | |
| Education, Administration | 37147 | R277-517 | NEW | 02/21/2013 | 2013-2/15 | |
| <u>state hospital</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37212 | R525-6 | 5YR | 01/23/2013 | 2013-4/58 | |
| <u>Statewide Mutual Aid Act</u> | | | | | | |
| Public Safety, Homeland Security | 37117 | R704-2 | NEW | 02/25/2013 | 2013-2/83 | |
| <u>student teachers</u> | | | | | | |
| Education, Administration | 37059 | R277-509 | AMD | 01/07/2013 | 2012-23/39 | |
| <u>students</u> | | | | | | |
| Education, Administration | 37144 | R277-487 | AMD | 02/21/2013 | 2013-2/7 | |
| | 37244 | R277-709-3 | NSC | 02/15/2013 | Not Printed | |
| <u>subsurface tracer studies</u> | | | | | | |
| Environmental Quality, Radiation Control | 37187 | R313-38 | NSC | 01/31/2013 | Not Printed | |
| <u>suggestions</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 37213 | R525-7 | 5YR | 01/23/2013 | 2013-4/58 | |
| <u>sulfur dioxide</u> | | | | | | |
| Environmental Quality, Air Quality | 37253 | R307-250 | 5YR | 02/06/2013 | 2013-5/196 | |
| <u>surface coating</u> | | | | | | |
| Environmental Quality, Air Quality | 36725 | R307-340 | REP | 02/01/2013 | 2012-19/49 | |
| | 36725 | R307-340 | CPR | 02/01/2013 | 2013-1/48 | |
| | 36728 | R307-346 | NEW | 02/01/2013 | 2012-19/69 | |
| | 36728 | R307-346 | CPR | 02/01/2013 | 2013-1/57 | |
| | 36729 | R307-347 | NEW | 02/01/2013 | 2012-19/71 | |
| | 36729 | R307-347 | CPR | 02/01/2013 | 2013-1/59 | |
| | 36730 | R307-348 | NEW | 02/01/2013 | 2012-19/73 | |
| | 36730 | R307-348 | CPR | 02/01/2013 | 2013-1/61 | |
| <u>surveys</u> | | | | | | |
| Environmental Quality, Radiation Control | 37185 | R313-34 | NSC | 01/31/2013 | Not Printed | |
| | 37186 | R313-36 | NSC | 01/31/2013 | Not Printed | |
| | 37187 | R313-38 | NSC | 01/31/2013 | Not Printed | |
| <u>tanning beds</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 37251 | R392-700 | 5YR | 02/06/2013 | 2013-5/209 | |
| <u>tax returns</u> | | | | | | |
| Tax Commission, Auditing | 37108 | R865-9I-13 | AMD | 02/21/2013 | 2013-1/20 | |
| | 37178 | R865-9I-46 | NSC | 01/31/2013 | Not Printed | |
| <u>taxation</u> | | | | | | |
| Tax Commission, Administration | 36991 | R861-1A-12 | AMD | 01/10/2013 | 2012-22/144 | |
| | 37104 | R861-1A-26 | AMD | 02/21/2013 | 2013-1/15 | |
| | 37106 | R861-1A-37 | AMD | 02/21/2013 | 2013-1/17 | |
| | 37107 | R861-1A-46 | AMD | 02/21/2013 | 2013-1/18 | |
| Tax Commission, Property Tax | 37109 | R884-24P-67 | AMD | 02/21/2013 | 2013-1/22 | |
| <u>taxes</u> | | | | | | |
| Insurance, Administration | 37171 | R590-157 | 5YR | 01/07/2013 | 2013-3/112 | |
| <u>teacher licensing</u> | | | | | | |
| Professional Practices Advisory Commission, Administration | 37243 | R686-100 | 5YR | 02/01/2013 | 2013-4/60 | |
| <u>teacher preparation programs</u> | | | | | | |
| Education, Administration | 37059 | R277-509 | AMD | 01/07/2013 | 2012-23/39 | |

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| <u>telecommunications</u> | | | | | | |
| Transportation, Administration | 37094 | R907-64 | R&R | 02/07/2013 | 2013-1/23 | |
| <u>time</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37129 | R612-1 | REP | 02/25/2013 | 2013-2/28 | |
| | 37125 | R612-200 | NEW | 02/25/2013 | 2013-2/62 | |
| <u>timeliness</u> | | | | | | |
| Pardons (Board Of), Administration | 37348 | R671-515 | 5YR | 02/15/2013 | 2013-5/215 | |
| <u>trainee registration</u> | | | | | | |
| Commerce, Real Estate | 36973 | R162-2g | AMD | 01/02/2013 | 2012-22/19 | |
| <u>transportation</u> | | | | | | |
| Human Services, Aging and Adult Services | 37277 | R510-105 | 5YR | 02/08/2013 | 2013-5/210 | |
| <u>transportation law</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 37357 | R23-13 | 5YR | 02/20/2013 | Not Printed | |
| <u>trichomoniasis</u> | | | | | | |
| Agriculture and Food, Animal Industry | 36962 | R58-21 | AMD | 01/04/2013 | 2012-22/16 | |
| <u>ultraviolet light safety</u> | | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 37251 | R392-700 | 5YR | 02/06/2013 | 2013-5/209 | |
| <u>undercover identification</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37226 | R722-320 | 5YR | 01/24/2013 | 2013-4/61 | |
| | 37227 | R722-320 | NSC | 02/15/2013 | Not Printed | |
| <u>unemployment compensation</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 37066 | R994-305 | AMD | 01/08/2013 | 2012-23/52 | |
| | 37023 | R994-305-1201 | AMD | 01/02/2013 | 2012-22/147 | |
| | 37024 | R994-406 | AMD | 01/02/2013 | 2012-22/148 | |
| <u>uninsured employers</u> | | | | | | |
| Labor Commission, Industrial Accidents | 37137 | R612-9 | REP | 02/25/2013 | 2013-2/52 | |
| <u>utility service shutoff</u> | | | | | | |
| Public Service Commission, Administration | 37041 | R746-320 | AMD | 01/07/2013 | 2012-23/48 | |
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| Environmental Quality, Air Quality | 37261 | R307-102 | 5YR | 02/06/2013 | 2013-5/191 | |
| <u>victim compensation</u> | | | | | | |
| Crime Victim Reparations, Administration | 37061 | R270-1 | AMD | 01/07/2013 | 2012-23/27 | |
| | 37166 | R270-1 | NSC | 01/30/2013 | Not Printed | |
| <u>victims of crime</u> | | | | | | |
| Crime Victim Reparations, Administration | 37061 | R270-1 | AMD | 01/07/2013 | 2012-23/27 | |
| | 37166 | R270-1 | NSC | 01/30/2013 | Not Printed | |
| <u>vinyl coating</u> | | | | | | |
| Environmental Quality, Air Quality | 36727 | R307-345 | NEW | 02/01/2013 | 2012-19/67 | |
| | 36727 | R307-345 | CPR | 02/01/2013 | 2013-1/54 | |
| <u>vision evaluations</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 37028 | R384-201 | NEW | 02/20/2013 | 2012-23/42 | |
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| | 36733 | R307-351 | CPR | 02/01/2013 | 2013-1/69 |
| | 37235 | R307-351-4 | NSC | 02/15/2013 | Not Printed |
| | 36736 | R307-354 | NEW | 02/01/2013 | 2012-19/88 |
| | 36736 | R307-354 | CPR | 02/01/2013 | 2013-1/79 |

VOC emission

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| Environmental Quality, Air Quality | 36726 | R307-344 | NEW | 02/01/2013 | 2012-19/65 |
| | 36726 | R307-344 | CPR | 02/01/2013 | 2013-1/52 |

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| Labor Commission, Industrial Accidents | 37127 | R612-400 | NEW | 02/25/2013 | 2013-2/76 |
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| | 37344 | R671-512 | 5YR | 02/15/2013 | 2013-5/213 |
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| Environmental Quality, Solid and Hazardous Waste | 37282 | R315-301 | 5YR | 02/13/2013 | 2013-5/198 |
| | 37283 | R315-302 | 5YR | 02/13/2013 | 2013-5/198 |
| | 37284 | R315-303 | 5YR | 02/13/2013 | 2013-5/199 |
| | 37285 | R315-304 | 5YR | 02/13/2013 | 2013-5/200 |
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| | 37287 | R315-306 | 5YR | 02/13/2013 | 2013-5/201 |
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| | 37291 | R315-310 | 5YR | 02/13/2013 | 2013-5/203 |
| | 37292 | R315-311 | 5YR | 02/13/2013 | 2013-5/204 |
| | 37293 | R315-312 | 5YR | 02/13/2013 | 2013-5/204 |
| | 37295 | R315-314 | 5YR | 02/13/2013 | 2013-5/205 |
| | 37296 | R315-315 | 5YR | 02/13/2013 | 2013-5/206 |
| | 37297 | R315-316 | 5YR | 02/13/2013 | 2013-5/206 |
| | 37298 | R315-317 | 5YR | 02/13/2013 | 2013-5/207 |
| | 37299 | R315-318 | 5YR | 02/13/2013 | 2013-5/208 |
| | 37300 | R315-320 | 5YR | 02/13/2013 | 2013-5/208 |
| Environmental Quality, Water Quality | 37240 | R317-13 | 5YR | 01/31/2013 | 2013-4/51 |

waste to energy plant

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|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 37255 | R307-223 | 5YR | 02/06/2013 | 2013-5/195 |
|------------------------------------|-------|----------|-----|------------|------------|

wastewater

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|--------------------------------------|-------|---------|-----|------------|-----------|
| Environmental Quality, Water Quality | 37241 | R317-14 | 5YR | 01/31/2013 | 2013-4/52 |
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water pollution

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|--------------------------------------|-------|---------|-----|------------|-----------|
| Environmental Quality, Water Quality | 37240 | R317-13 | 5YR | 01/31/2013 | 2013-4/51 |
|--------------------------------------|-------|---------|-----|------------|-----------|

water slides

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|---|-------|------------|-----|------------|------------|
| Health, Disease Control and Prevention, Environmental Services | 37072 | R392-302-3 | AMD | 02/28/2013 | 2012-24/26 |
|---|-------|------------|-----|------------|------------|

weapons

| | | | | | |
|--|-------|--------|-----|------------|-----------|
| Human Services, Substance Abuse and Mental Health, State Hospital | 37212 | R525-6 | 5YR | 01/23/2013 | 2013-4/58 |
|--|-------|--------|-----|------------|-----------|

well logging

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|--|-------|---------|-----|------------|-------------|
| Environmental Quality, Radiation Control | 37187 | R313-38 | NSC | 01/31/2013 | Not Printed |
|--|-------|---------|-----|------------|-------------|

wildlife

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|---------------------------------------|-------|---------|-----|------------|------------|
| Natural Resources, Wildlife Resources | 37069 | R657-13 | AMD | 01/22/2013 | 2012-24/29 |
| | 37097 | R657-37 | AMD | 02/07/2013 | 2013-1/11 |
| | 37203 | R657-58 | 5YR | 01/15/2013 | 2013-3/114 |

wildlife law

| | | | | | |
|---------------------------------------|-------|---------|-----|------------|------------|
| Natural Resources, Wildlife Resources | 37069 | R657-13 | AMD | 01/22/2013 | 2012-24/29 |
|---------------------------------------|-------|---------|-----|------------|------------|

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| | 37203 | R657-58 | 5YR | 01/15/2013 | 2013-3/114 |
| <u>workers' compensation</u> | | | | | |
| Labor Commission, Industrial Accidents | 37129 | R612-1 | REP | 02/25/2013 | 2013-2/28 |
| | 37130 | R612-2 | REP | 02/25/2013 | 2013-2/35 |
| | 37131 | R612-3 | REP | 02/25/2013 | 2013-2/43 |
| | 37132 | R612-4 | REP | 02/25/2013 | 2013-2/46 |
| | 37133 | R612-5 | REP | 02/25/2013 | 2013-2/46 |
| | 37134 | R612-6 | REP | 02/25/2013 | 2013-2/48 |
| | 37135 | R612-7 | REP | 02/25/2013 | 2013-2/49 |
| | 37137 | R612-9 | REP | 02/25/2013 | 2013-2/52 |
| | 37138 | R612-10 | REP | 02/25/2013 | 2013-2/53 |
| | 37139 | R612-11 | REP | 02/25/2013 | 2013-2/54 |
| | 37140 | R612-12 | REP | 02/25/2013 | 2013-2/55 |
| | 37141 | R612-13 | REP | 02/25/2013 | 2013-2/57 |
| | 37124 | R612-100 | NEW | 02/25/2013 | 2013-2/58 |
| | 37125 | R612-200 | NEW | 02/25/2013 | 2013-2/62 |
| | 37126 | R612-300 | NEW | 02/25/2013 | 2013-2/66 |
| | 37127 | R612-400 | NEW | 02/25/2013 | 2013-2/76 |
| | 37128 | R612-500 | NEW | 02/25/2013 | 2013-2/79 |
| <u>x-rays</u> | | | | | |
| Environmental Quality, Radiation Control | 37179 | R313-16 | NSC | 01/31/2013 | Not Printed |
| | 37183 | R313-28 | NSC | 01/31/2013 | Not Printed |
| | 37188 | R313-70 | NSC | 01/31/2013 | Not Printed |