

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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 August 2013 Medicaid Rate Changes

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

End of the Special Notices Section

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **EXECUTIVE DOCUMENTS** comprised of Executive Orders, Proclamations, and Declarations. "Executive Orders" set policy for the Executive Branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. "Proclamations" call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. "Declarations" designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Proclamation 2013/02/E: Calling the Sixtieth Legislature Into the Second Extraordinary Session

PROCLAMATION

WHEREAS, since the close of the 2013 General Session of the 60th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 60th Legislature into the Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of June 2013, at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2013 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 17th day of June 2013.

(State Seal)

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

2013/02/E

Governor's Executive Order EO/002/2013: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

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

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

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

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

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of May 10, 2013 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of May 2013

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Lieutenant Governor
Greg Bell

EO/002/2013

Governor's Executive Order EO/003/2013: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

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

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

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

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

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of June 10, 2013 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 10th day of June 2013

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Lieutenant Governor
Greg Bell

EO/003/2013

End of the Executive Documents 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 June 15, 2013, 12:00 a.m., and July 01, 2013, 11:59 p.m. are included in this, the July 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 August 14, 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 November 12, 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

**Administrative Services, Records
Committee
R35-1-3
Issuing the Committee Decision and
Order**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37773

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change reflects a change in the law (GRAMA) which changed the time the State Record Committee was required to issue an order of their decision from five days to seven days. The rule now will make consistent the time requirement in rule with the law.

SUMMARY OF THE RULE OR CHANGE: This rule change reflects a change in the law (GRAMA) which changed the time the State Record Committee was required to issue an order of their decision from five days to seven days. The rule now will make consistent the time requirement in Section R35-1-3 with Subsection 63G-2-403(11)(a).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63G-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: The amendment makes a simple technical change to make the rule consistent with statute; no requirements are added, changed, or removed. As a result, the state budget is not affected by this change.
- ◆ LOCAL GOVERNMENTS: The amendment makes a simple technical change to make the rule consistent with statute; no requirements are added, changed, or removed. As a result, local governments' budgets are not affected by this change.
- ◆ SMALL BUSINESSES: The amendment makes a simple technical change to make the rule consistent with statute; no requirements are added, changed, or removed. As a result, small businesses' budgets are not affected by this change.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The amendment makes a simple technical change to make the rule consistent with statute; no requirements are added, changed, or removed. As a result, no other individuals' budgets are affected by this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment makes a simple technical change to make the rule consistent with statute; no requirements are added, changed, or removed. As a result, there will be no costs as a result of compliance with this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact on small business.

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

ADMINISTRATIVE SERVICES

RECORDS COMMITTEE

ARCHIVES BUILDING

346 S RIO GRANDE

SALT LAKE CITY, UT 84101-1106

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Susan Mumford by phone at 801-531-3861, by FAX at 801-531-3867, or by Internet E-mail at smumford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2013

AUTHORIZED BY: Lex Hemphill, Chair, State Records Committee

R35. Administrative Services, Records Committee.

R35-1. State Records Committee Appeal Hearing Procedures.

R35-1-3. Issuing the Committee Decision and Order.

(1) The Decision and Order shall be signed by the Committee Chair and distributed by the Executive Secretary within [~~five~~seven] business days after the hearing. Copies of the Decision and Order will be distributed to the petitioner, the governmental entity and all other interested parties. The original order shall be maintained by the Executive Secretary. A copy of the order shall be made available for public access at the Utah State Archives website.

KEY: government documents, state records committee, records appeal hearings

Date of Enactment or Last Substantive Amendment: [~~May 17, 2010~~2013]

Notice of Continuation: September 23, 2009

Authorizing, and Implemented or Interpreted Law: 63G-2-502(2)(a)

Agriculture and Food, Animal Industry
R58-1
Admission and Inspection of Livestock,
Poultry and Other Animals

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37811

FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add definitions and make modifications to the rule that are needed since the last revision. Subsections and definitions were modified so they are consistent with the Division of Administrative Rules guidelines.

SUMMARY OF THE RULE OR CHANGE: The changes: added "Identification" to the title to reflect the addition of language to conform with the federal animal disease traceability rule that goes into law on 03/11/2013; renumbered subsections to conform to required rule format; edited definitions that conform to standard formatting; added definitions for: Animal Identification Number (AIN), approved livestock facility, approved tagging site, Certificate of Veterinary Inspection, Dairy Cattle, Designated brucellosis surveillance area, Exotic animal, Flock-based number system, Flock Identification Number (FIN), Group/lot Identification Number (GIN), Import permit, Interstate movement, Location identification (LID) number, National Uniform Eartagging System (NUES), Official eartag, Official eartag shield, Official identification device or method, Official identification number, Officially identified, Premises identification number (PIN), Suspect, United States Department of Agriculture (USDA) approved backtag, and Zoological animal; added Section R58-1-3. Official identification devices and methods; renumbered Section R58-1-3 to R58-1-4; renumbered Section R58-1-4 to R58-1-5; added Subsection R58-1-5(a) "Failure to obtain written permission may result in a citation."; added to Subsection R58-1-5(3) that a Certificate of Veterinary Inspection must be submitted to the Department "within 7 calendar days from date on which the Certificate of Veterinary Inspection or other document is received or issued"; added Subsection R58-1-5(6) "Certificates of Veterinary Inspection are considered valid for 30 days from the date of inspection"; renumbered Section R58-1-5 to R58-1-6; Subsection R58-1-6(2)(ii) allows individual identification to be included on "A copy of the official brucellosis or tuberculosis test sheets must be stapled to each copy of the Certificate of Veterinary Inspection"; Subsection R58-1-7(a) requires all cattle and bison heifers that are between 4 to 12 months of age to be vaccinated for brucellosis; Subsection R58-1-7(a) requires all cattle and bison cattle that are over 12 months of age to be vaccinated for brucellosis or tested negative (new option); Subsection

R58-1-7(d) requires all cattle and bison cattle that are over 12 months of age to be tested negative for brucellosis if coming from a designated brucellosis surveillance area; renumbered Section R58-1-6 to R58-1-7; Subsection R58-1-7(4) requires all stallions and semen imported into Utah to have a import permit issued (prior requirement was for EVA positive stallions and semen only); renumbered Section R58-1-7 to R58-1-8; renumbered Section R58-1-8 to R58-1-9; renumbered Section R58-1-9 to R58-1-10 and added import requirement for poultry to this section; renumbered Section R58-1-10 to R58-1-11 and required an import permit for all goats and camelids. Also required all goats and sheep that enter the state to comply with federal scrapie identification requirements; renumbered Section R58-1-11 to R58-1-12 and removed the requirement for obtaining an import permit from psittacine and passerine birds and raptors; renumbered Section R58-1-12 to R58-1-13 and added "All dogs, cats and ferrets over three months of age must be currently vaccinated against rabies before entering Utah" to clarify the age of vaccination requirement. Also, added a prohibition that puppies and kittens that are less 8 weeks of age cannot be imported into Utah unless accompanied by the mother; added Section R58-1-14 that covers exotic animals; renumbered Section R58-1-13 to R58-1-15; renumbered Section R58-1-13a to R58-1-16; renumbered Section R58-1-14 to R58-1-17; renumbered Section R58-1-15 to R58-1-18; renumbered Section R58-1-16 to R58-1-19.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 4-2-2(1)(c)(i) and Subsection 4-2-2(1)(j) and Title 4, Chapter 31

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Changes to Rule R58-1 will not change the state budget. Although, by not requiring import permits on exotic animals, the Division of Animal Industry personnel will be freed up to conduct other duties more efficiently.
- ◆ **LOCAL GOVERNMENTS:** This rule has only affected local government when a case was brought before a judge. This has only occurred once in the last ten years, so we do not expect this rule change to affect local government.
- ◆ **SMALL BUSINESSES:** The rule change will affect buyers of cattle at livestock markets out of state in that they will no longer be required to have cattle tested for brucellosis when bringing cattle into the State of Utah. Veterinarians will no longer be required to call the Division of Animal Industry for an import permit on those animals that have had that requirement removed. Requiring import permits on meat goats and camelids as well as stallions will not affect veterinarians to a great extent as fewer are imported into Utah. The biggest effect on small businesses (livestock and poultry producers and veterinarians) will be in complying with the Federal Animal Disease Traceability rule that will go into law on 03/11/2013. The Department hopes to lower those costs in providing identification devices and other tools at no or low cost.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change will not affect any other entities other than those individual business listed under "Small Businesses" above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will be reduced overall for importation of animals into Utah with the greatest impact being seen for cattle imported from an auction market in a brucellosis free state (at the present time all states are brucellosis free). The costs associated with compliance to the Federal Animal Disease Traceability rule will be determined as it goes into law.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to Rule R58-1 will have minimal impact on businesses, but for cattle dealers and producers they will see a marked reduction in costs associated with test of cattle for brucellosis at out of state auction markets and sales. This rule change was presented to the Agricultural Advisory Board on 01/22/2013.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Bruce King by phone at 801-538-7162, by FAX at 801-538-7169, or by Internet E-mail at bking@utah.gov
◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
◆ Kyle Stephens by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at kylestephens@utah.gov
◆ Wyatt Frampton by phone at 801-538-7165, by FAX at 801-538-7169, or by Internet E-mail at wframpton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Leonard Blackham, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-1. Admission, Identification, and Inspection of Livestock, Poultry, and Other Animals.

R58-1-1. Authority.

(1)[A-] Promulgated under the authority of Title 4, Chapter 31 and Subsections 4-2-2(1)(c)(i), 4-2-2(1)(j).

(2)[B-] It is the intent of these rules to eliminate or reduce the spread of diseases among animals by providing standards to be met

in the movement of animals within the State of Utah (INTRASTATE) and the importation of animals into the state (INTERSTATE).

R58-1-2. Definitions.

(1)[A-] "Accredited Veterinarian" means a[~~A~~] veterinarian approved by the Deputy Administrator of Veterinary Services (VS), Animal and Plant Health Inspection Services (APHIS), United States Department of Agriculture (USDA), in accordance with the provisions of 9 CFR 161 to perform functions required by cooperative State-Federal disease control and eradication programs.

(2) "Animal identification number (AIN)" means a numbering system for the official identification of individual animals in the United States that provides a nationally unique identification number for each animal. The AIN consists of 15 digits, with the first 3 being the country code (840 for the United States or a unique country code for any U.S. territory that has such a code and elects to use it in place of the 840 code).

(3)[B-] "Animals" means a[~~A~~]ll vertebrates, except humans.

(4) "Approved livestock facility" means a stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary inspection where livestock are assembled and that has been approved by the Department.

(5)[C-] "Approved Livestock Market" means a[~~A~~] livestock market ~~[which meets the requirements as outlined in 9 CFR 78, which]that is licensed by the Department under Title 4, Chapter 30, Livestock Markets [is incorporated by reference, Title 4, Chapter 30, Utah Code Unannotated and R58-7, Utah Administrative Code].~~

(6)[D-] "Approved Slaughter Establishment" means a[~~A~~] State or Federally inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by State or Federal inspectors.

(7) "Approved tagging site" means a premises, authorized by Department, where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the premises.

(8)[E-] "Brand Inspection Certificate" means a[~~A~~]n official form, issued by a government agency or other agency responsible for animal identification in the state of origin, used to transfer title of livestock; listing the identification marks of the animals(s) as well as the consignor and consignee contact information.

(9)[F-] "Camelidae" means a[~~A~~] term referring to members of the family of animals which for the purposes of these rules includes camels (Camelus dromedarius and Camelus bactrianus), llamas (Lama glama), alpacas (Vicugna pacos), guanacos (Lama guanicoe), and vicunas (Vicugna vicugna).

(10)[G-] "Captive Cervidae" means a[~~A~~] term referring to members of the family of animals which for the purposes of these rules includes captive bred Caribou (Reindeer (Rangifer tarandus)), captive bred Elk (Cervus canadensis nelsoni), and captive bred Fallow deer (Dama dama) or any other captive bred cervidae allowed with permission from the S[s]tate V[~~v~~]eterinarian and the Utah Division of Wildlife Resources.

(11) "Certificate of Veterinary Inspection" means an official paper or electronic form completed by an accredited veterinarian that has examined the animal or animals listed on the certificate and has completed all disease testing or vaccinations as required.

(12)[H:] "Commuter herd[~~eattle~~]" means a[~~-A~~] herd of cattle located in two or more states that is documented as a valid ranching operation by those states in which the herd is located and which requires movement of cattle interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premise owned, leased, or rented by the same individual.

(13) "Commuter herd agreement" means a written agreement between the owner(s) of a herd of cattle and the animal health officials for the States or Tribes of origin and destination specifying the conditions required for the interstate movement from one premises to another in the course of normal livestock management operations and specifying the time period, up to 1 year, that the agreement is effective. A commuter herd agreement may be renewed annually.

(14) "Dairy cattle" means all cattle, regardless of age or sex or current use, that are of a breed(s) used to produce milk or other dairy products for human consumption, including, but not limited to, Ayrshire, Brown Swiss, Holstein, Jersey, Guernsey, Milking Shorthorn, and Red and Whites.

(15)[H:] "Department"[~~-~~] means the Utah Department of Agriculture and Food.

(16) "Designated brucellosis surveillance area" means an area within a state that has been designated by the animal health official of that state as an area of increased disease risk for bovine brucellosis.

(17)[F:] "Direct Movement"[~~-~~] means the m[M]ovement in which the animals are not unloaded enroute to their final destination, except for stops of less than 24 hours to feed, water, or rest the animals being moved, and not commingled with another producer's animals.

(18) "Exotic animal" means a rare or unusual animal pet or an animal, not commonly thought of as a pet, kept within a human household. For this chapter, rodents, reptiles, and amphibians are considered exotic animals.

(19)[K:] "Exposed Animal"[~~;~~ "Reactor", "Suspect",] means an animal that has been in contact with or on the same premises of or within a quarantine zone where animals with a contagious or communicable disease are present[~~as defined in the United States Department of Agriculture; Animal and Plant Health Inspection Service and Veterinary Services Brucellosis Eradication Uniform Methods and Rules, and 9 CFR 78~~].

(20)[H:] "Farm of Origin" [~~-For the purposes of this rule,~~] means the farm where the animal was born and remain prior to importation into the state.

(21) "Flock-based number system" means the flock-based number system that combines a flock identification number (FIN) with a producer's unique livestock production numbering system to provide a nationally unique identification number for an animal.

(22) "Flock identification number (FIN)" means a nationally unique number assigned by a State, Tribal, or Federal animal health authority to a group of animals that are managed as a unit on one or more premises and are under the same ownership.

(23) "Group/lot identification number (GIN)" means the identification number used to uniquely identify a "unit of animals" of the same species that is managed together as one group throughout the preharvest production chain.

(24) "Import Permit" means a number given by the Department to the issuing veterinarian that is recorded on the

certificate of veterinary inspection and is required before movement of the animals into the state.

(25) "Interstate movement" means movement of animals from one State into or through any other State.

(26)[M:] "Livestock Market Veterinarian" means a[~~-A~~] Utah licensed and USDA accredited veterinarian appointed by the Utah Department of Agriculture and Food to work at approved [~~in-~~] livestock markets[~~in livestock health and movement matters~~].

(27) "Location identification (LID) number" means a nationally unique number issued by a State, Tribal, and/or Federal animal health authority to a location as determined by the State or Tribe in which it is issued. The LID number may be used in conjunction with a producer's own unique livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal. It may also be used as a component of a group/lot identification number (GIN).

(28) "National Uniform Eartagging System (NUES)" means a numbering system for the official identification of individual animals in the United States that provides a nationally unique identification number for each animal.

(29)[N:] "Official Calhhood Vaccinate" means [~~-F~~]female bison or cattle vaccinated by a USDA Veterinary Services representative, State certified technician, or accredited v[V]eterinarian with an approved dose of RB51 v[V]accine or other USDA approved agent while from 4 to 12 months of age in accordance with its labeling. These cattle must be properly identified by official tattoos and ear tag or registration tattoo and be reported on an official vaccination certificate (VS Form 4-24) within 30 days to the State Veterinarian.

(30) "Official eartag" means an identification tag approved by the Department that bears an official identification number for individual animals. The official eartag must be tamper-resistant and have a high retention rate in the animal.

(31) "Official eartag shield" means the shield-shaped graphic of the U.S. Route Shield with "U.S." or the State postal abbreviation or Tribal alpha code imprinted within the shield.

(32) "Official identification device or method" means a means approved by the Department of applying an official identification number to an animal of a specific species or associating an official identification number with an animal or group of animals of a specific species or otherwise officially identifying an animal or group of animals.

(33) "Official identification number" means a nationally unique number that is permanently associated with an animal or group of animals.

(34) "Officially identified" means identified by means of an official identification device or method approved by the Department.

(35)[O:] "Poultry" [~~-The term shall-~~]means domestic fowl (chickens, turkeys, ducks, geese, and guinea and pea fowl), pigeons and doves, pheasants and other gamebirds, [~~domestic fowl, waterfowl and ratites~~][~~gamebirds~~].

(36) "Premises identification number (PIN)" means a nationally unique number assigned by a State, Tribal, and/or Federal animal health authority to a premises that is, in the judgment of the State, Tribal, and/or Federal animal health authority a geographically distinct location from other premises.

(37)[P:] "Qualified Feedlot" means a[~~-A~~] feedlot approved by the Utah Department of Agriculture and Food to handle heifers, cows or bulls which are either official calhhood vaccinated, or

brucellosis unvaccinated animals confined to a drylot area which is used to upgrade or finish feeding animals going only to slaughter or another qualified feedlot. All such animals must be kept separate from other animals not destined for slaughter.

(38)[Q-] "Quarantine" means a[—A] verbal or written restriction of movement of animals into or out of an area or premise, issued by a State Animal Health Official [representative of the Utah Department of Agriculture and Food under authority of the Commissioner of Agriculture].

(39)[R-] "Reactor[Reportable Disease List]" means [—A] any animal that has been determined by a designated brucellosis epidemiologist to be infected with brucellosis based on test results, herd/flock history, and/or culture results [list of diseases and conditions that may affect the health and welfare of the animals or the public which are reportable to the state veterinarian].

(40) "Suspect" means any animal that may be infected with a contagious, infectious, or communicable disease based on test results and/or herd/flock history.

(41)[S-] "Test Eligible Cattle and Bison" means a[—A]ll cattle or bison six months of age or older, except:

1. Steers, spayed heifers;
2. Official calfhood vaccinates of any breed under 24 months of age which are not parturient, springers, or post parturient[;—];
3. Official calfhood vaccinates, dairy or beef breeds of any age, which are Utah Native origin;
4. Utah Native Bulls from non-infected herds].

(42) "United States Department of Agriculture (USDA) approved backtag" means a backtag issued by APHIS that provides a temporary unique identification for each animal.

(43) "Zoological animal" means an animal kept at a zoological garden (zoo) or other exhibition that is inspected on a regular basis by the United States Department of Agriculture.

R58-1-3. Official Identification Devices and Methods.

(1) Any State, Tribe, accredited veterinarian, or other person or entity who distributes official identification devices must maintain for 5 years a record of the names and addresses of anyone to whom the devices were distributed.

(2) An official identification number is a nationally unique number that is permanently associated with an animal or group of animals and that adheres to one of the following systems:

- (a) National Uniform Eartagging System (NUES).
- (b) Animal identification number (AIN).
- (c) Location-based number system.
- (d) Flock-based number system.
- (e) Any other numbering system approved by the animal health official of the state of origin for the official identification of animals.

(3) The Department has approved the following official identification devices or methods for the species listed.

(a) The Department may authorize the use of additional devices or methods for a specific species if the Department determines that such additional devices or methods will provide for adequate traceability.

(4) Cattle and bison that are required to be officially identified for interstate movement must be identified by means of:

- (a) An official eartag; or
- (b) Brands registered with a recognized brand inspection authority and accompanied by an official brand inspection

certificate, when agreed to by the shipping and receiving State or Tribal animal health authorities; or

(c) Tattoos and other identification methods acceptable to a breed association for registration purposes, accompanied by a breed registration certificate, when agreed to by the shipping and receiving State or Tribal animal health authorities; or

(d) Group/lot identification when a group/lot identification number (GIN) may be used.

(5) Horses and other equine species that are required to be officially identified for interstate movement must be identified by one of the following methods:

(a) A description sufficient to identify the individual equine including, but not limited to, name, age, breed, color, gender, distinctive markings, and unique and permanent forms of identification when present (e.g., brands, tattoos, scars, cowlicks, blemishes or biometric measurements); or

(b) Electronic identification that complies with ISO 11784/11785; or

(c) Non-ISO electronic identification injected to the equine on or before June 30, 2013; or

(d) Digital photographs sufficient to identify the individual equine.

(6) Poultry that are required to be officially identified for interstate movement must be identified by one of the following methods:

(a) Sealed and numbered leg bands; or

(b) Group/lot identification when a group/lot identification number (GIN) may be used.

(7) Sheep and goats that are required to be officially identified for interstate movement must be identified by one of the following methods:

(a) Electronic implants when accompanied by a certificate or owner statement that includes the electronic implant numbers and the name of the chip manufacturer; or

(b) Official eartags, including tags approved for use in the Scrapie Flock Certification Program or APHIS-approved premises identification number eartags when combined with a unique animal identification number; or

(c) United States Department of Agriculture backtags or official premises identification backtags that include a unique animal identification number, when used on sheep or goats moving directly to slaughter and when applied within 3 inches of the poll on the dorsal surface of the head or neck; or

(d) Legible official registry tattoos that have been recorded in the book of record of a sheep or goat registry association when the animal is accompanied by either a registration certificate or a certificate of veterinary inspection.

(i) These tattoos may also be used as premises identification if they contain a unique premises prefix that has been linked in the National Scrapie Database with the assigned premises identification number of the flock of origin; or

(e) Premises identification eartags or tattoos, if the premises identification method includes a unique animal number or is combined with a flock eartag that has a unique animal number and the animal is accompanied by an owner statement; or

(f) Premises identification when premises identification is allowed and the animal is accompanied by an owner statement; or

(g) Any other official identification method or device approved by the animal health official of the state of origin.

(8) Swine that are required to be officially identified for interstate movement must be identified by one of the following methods:

- (a) Official eartags; or
- (b) United States Department of Agriculture backtags, when used on swine moving to slaughter; or
- (c) Official swine tattoos, when used on swine moving to slaughter; or
- (d) Ear notching when used on any swine, if the ear notching has been recorded in the book of record of a purebred registry association; or
- (e) Tattoos on the ear or inner flank of any swine, if the tattoos have been recorded in the book of record of a swine registry association;
- (f) For slaughter swine and feeder swine, an eartag or tattoo bearing the premises identification number assigned by the State animal health official to the premises on which the swine originated; or
- (g) Any other official identification device or method that is approved by the animal health official of the state of origin; or
- (h) Group/lot identification when a group/lot identification number (GIN) may be used.

(9) Captive cervids that are required to be officially identified for interstate movement must be identified by one of the following methods:

- (a) Official eartag; and
- (b) A tattoo that is placed peri-anally or inside the right ear and consist of a number assigned by the animal health official of the state of origin; or
- (c) A microchip that has been placed in the right ear.

R58-1-4[3]. Intrastate Cattle Movement - Rules - Brucellosis.

(1)[A-] The State Veterinarian may require brucellosis testing of cattle, bison, and elk, moving intrastate as necessary to protect against potential disease threat or outbreak.

(2)[B-] Utah Department of Agriculture and Food Livestock Inspectors will help regulate i[H] intrastate movement of cattle according to Brucellosis rules at the time of change of ownership inspection.

R58-1-5[4]. Interstate Importation Standards.

(1)[A-] No animal, poultry or bird of any species or other animal including wildlife, that is known to be affected with or has been exposed to a contagious, infectious or communicable disease, or that originates from a quarantined area, shall be shipped, transported or moved into the State of Utah until written permission for such entry is first obtained from the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services Division, and the Utah Department of Agriculture and Food, State Veterinarian or Commissioner of Agriculture.

(a) Failure to obtain written permission may result in a citation.

(2)[B- Certificate of Veterinary Inspection.] An official Certificate of Veterinary Inspection issued by an accredited veterinarian is required for importation of all animals.

(3) A copy of the certificate shall be immediately forwarded to the Utah Department of Agriculture and Food by the issuing veterinarian or the animal health official of the state of origin within 7 calendar days from date on which the Certificate of Veterinary Inspection or other document is received or issued.

(4)[C-] Import p[P]ermits[-] for l[L]ivestock, poultry and other animals [import permits] may be obtained[issued] by telephone or via the internet to the accredited veterinarian responsible for issuing a Certificate of Veterinary Inspection.

(5) Certificates of Veterinary Inspection are considered valid for 30 days from the date of inspection.

R58-1-6[5]. Cattle and Bison.

(1)[A-] A Certificate of Veterinary Inspection and an import permit must accompany all cattle and bison imported into the state.

(2)[B-] All cattle and bison must carry some form of individual identification as listed in R58-1-3(4).[-such as;

- 1. A brand registered with an official brand agency; or
- 2. An ear tag; or
- 3. A registration tattoo.]

(a)[4-] Individual identification must be listed on the Certificate of Veterinary Inspection.

(i) Official individual identification used for testing purposes must be shown on the Certificate of Veterinary Inspection; or

(ii) A copy of the official brucellosis or tuberculosis test sheets must be stapled to each copy of the Certificate of Veterinary Inspection.

(b)[5-] All cattle and bison imported into Utah from Canada, except those imported directly to slaughter, must be permanently branded with the letters CAN, not less than two (2) inches high nor more than three (3) inches high, placed high on the right hip.

(3)[C-] The import permit number must be listed on the Certificate of Veterinary Inspection.

(4)[D-] The following cattle are exempted from (1)[A-] above:

(a)[1-] Cattle consigned directly to slaughter at an approved slaughter establishment; or[and]

(b)[2-] Cattle consigned directly to a State or Federal approved Auction Market.

(c)[3-] Movements under Subsections R58-1-5(4[Ð])(a[1-]), and R58-1-5(4[Ð])(b[2]) must be in compliance with state and federal laws and regulations and must be accompanied by a weighbill, brand certificate, or similar document showing some form of positive identification, signed by the owner or shipper stating the origin, destination, number and description of animals and purpose of movement.

(d)[4-] Commuter cattle are exempt as outlined in Subsection R58-1-5(6[F]).

(5)[E-] A brand inspection certificate or proof of ownership, which indicates the intended destination, is required for cattle entering the state.

(6)[F-] Commuter cattle may enter Utah or return to Utah after grazing if the following conditions are met.

(a)[1-] A commuter permit approved by the import state and the State of Utah must be obtained prior to movement into Utah. This will allow movements for grazing for the current season if the following conditions are met:

(i)[a-] All cattle shall meet testing requirements as to State classification for interstate movements as outlined in 9 CFR 1-78, which is incorporated by reference; USDA, Animal and Plant Health Inspection Services, Brucellosis Eradication, Uniform Methods and Rules, October 1, 2003, and approved by cooperating States.

(ii)[b-] Commuter cattle shall not be mixed with quarantined, exposed, or suspect cattle nor change ownership during the grazing period.

(iii)[e-] All bulls used in the commuter herd must be tested annually for trichomoniasis as required by the S[s]tate of Utah.

(b)[2-] No quarantined, exposed or reactor cattle shall enter Utah.

(7)[G-] Prior to importation of cattle or bison into Utah the following health restrictions must be met.

(a)[1-] Bison and cattle[beef breed] heifers of vaccination age between four and 12 months must be officially calfhood vaccinated for brucellosis prior to entering Utah[~~—All female bison and beef breed cattle imported to Utah must have a legible brucellosis calfhood vaccination tattoo to be imported or sold into the State of Utah~~], unless:

- (i) going directly to slaughter, or
- (ii) qualified feedlot to be sold for slaughter, or
- (iii) to an approved livestock market to be sold for slaughter or for vaccination.

(iv)[a-] Bison and cattle[beef breed] heifers of vaccination age may be vaccinated upon arrival by special permit from the S[s]tate V[v]eterinarian.

(b) All female bison and cattle over 12 months of age imported to Utah must have evidence of a brucellosis calfhood vaccination tattoo to be imported or sold into the State of Utah, unless:

- (i) going directly to slaughter, or
- (ii) qualified feedlot to be sold for slaughter, or
- (iii) to an approved livestock market to be sold for slaughter,

or
(iv) tested negative for Brucella abortus within 30 days prior to entry.

~~2. Test eligible cattle imported from states designated as brucellosis free, that are acquired directly from the farm of origin and moving directly to the farm of destination are not required to be tested for brucellosis prior to movement.~~

(c)[3-] Test eligible cattle imported from states designated as brucellosis free, but are coming from a designated brucellosis surveillance area within that state, [that are acquired through "trading channels", or any "non-farm-of-origin source"] must be tested negative for brucellosis within 30 days prior to entry.

(i) Test eligible cattle may enter the state prior to testing with approval from the State Veterinarian but must be tested immediately upon arrival and the cattle must be kept isolated away from other cattle until tested negative.

(d)[4-] All test eligible cattle imported from states that have not been designated as brucellosis free must test negative for brucellosis within 30 days before movement into Utah.

(e)[5-] Exceptions to the above testing requirements include exhibition animals and t[F]est e[E]ligible c[E]attle imported to Utah and moving directly to:

- (i)[a-] an approved livestock market, or
- (ii)[b-] to a "qualified feedlot", or
- (iii)[e-] for immediate slaughter to an approved slaughter establishment.

(f)[6-] No reactor cattle, or cattle from herds under quarantine for brucellosis will be allowed to enter the state except when consigned to an approved slaughter establishment. An import permit and a Veterinary Services Form 1-27 prior to shipment are also required.

(g)[7-] Entry of cattle which have been retattooed is not permitted unless they are moved for immediate slaughter to an approved slaughter establishment or to not more than one state or federal approved market for sale to a qualified feedlot or slaughtering establishment.

~~8. Entry of cattle which have been adult vaccinated is not permitted unless they are for immediate slaughter to an approved slaughter establishment.~~

(h)[9-] A negative tuberculosis test is required within 60 days prior to shipment for all dairy cattle 2 months of age and older and bison 6 months of age and older.

(i)[10-] Breeding cattle originating within a quarantined area or from reactor or exposed herds and all cattle from an area which is not classified as Tuberculosis Free [~~according to 9 CFR,77-~~] are required to be tested for tuberculosis within 60 days prior to entry to Utah.

(j)[11-] Rodeo bulls and roping steers must be tested annually during the calendar year for tuberculosis prior to entry to Utah.

(k)[12-] No cattle infested[affected] with, or exposed to scabies shall be moved into Utah. Cattle from a county where scabies has[ve] been diagnosed during the past 12 months must be officially treated within 10 days prior to shipment into Utah. The date of treating and products used must be shown on the Certificate of Veterinary Inspection.

(l)[13-] No cattle infested with ticks that can transmit splenic or tick fever, or exposed to tick infestations shall be imported into the State of Utah for any purpose.

(m)[14-] All bulls imported to Utah shall be in compliance with R58-21-3(A), which requires testing of all bulls over twelve[nine] months of age for t[F]richomoniasis prior to entry, with some exceptions which are for slaughter, rodeo, exhibition, and [~~dairy-~~]bulls kept in confinement.

R58-1-7[6]. Horses, Mules, Asses, and Other Equidae.

(1)[A-] Equidae may be imported into the State of Utah when accompanied by an official Certificate of Veterinary Inspection.

(2)[B-] The Certificate of Veterinary Inspection must show a negative Equine Infectious Anemia (EIA)(Coggins - AGID or ELISA) test within one year previous to the time the certificate was issued.

(a)[1-] Entry of equidae into Utah shall not be allowed until the EIA test has been completed and reported negative.

(b)[2-] Equidae which test positive to the EIA test shall not be permitted entry into Utah, except by special written permission from the S[s]tate V[v]eterinarian.

(c)[3-] A nursing foal less than six (6) months of age accompanied by its EIA negative dam is exempt from the test requirements.

(3)[C-] Utah horses returning to Utah as part of a commuter livestock shipment are exempted from the Certificate of Veterinary Inspection requirements; however, a valid Utah horse travel permit as outlined under Sections 4-24-22 or 4-24-23 and Section R58-9-4 is required for re-entering Utah.

(4)[D-] An import permit issued by the Department must accompany all stallions or semen.

(5) All stallions used for breeding that enter Utah or stallions whose semen will be shipped to Utah shall be tested for Equine Viral Arteritis (EVA) by an accredited veterinarian within 30 days prior to entry.

(a)[1-] Exceptions are stallions that have proof of negative EVA status prior to vaccination and proof of subsequent yearly vaccination.

(b)[2-] The EVA test or vaccination status must be recorded on the Certificate of Veterinary Inspection.

(c)[3-] Breeding stallions and semen infected with Equine Arteritis Virus must ~~obtain a prior import permit and~~ be handled only on an ~~a~~[A]pproved ~~f~~[F]acility as required by R58-23.

R58-1-8[7]. Swine.

(1)[A-] Swine ~~for stocking, breeding, feeding or exhibition~~] may be shipped into the state if the following requirements are met:

(a)[1-] All swine must be accompanied by an approved Certificate of Veterinary Inspection stating they have not been fed raw garbage.

(i)[a-] The Certificate of Veterinary Inspection must show individual identification, ear tags, tattoos, registration numbers, micro[]chips or other permanent means.

(b)[2-] An import permit issued by the Department must accompany all swine imported into the state.

(c)[3-] All breeding and exhibition swine over the age of three months shipped into Utah shall be tested negative for brucellosis within 30 days prior to movement into the state or originate from a validated brucellosis free herd or brucellosis free state.

(i)[a-] A validated brucellosis free herd number and date of last test is required to be listed on the Certificate of Veterinary Inspection.

(ii)[b-] Swine from states with serious disease occurrences or known populations of feral or wild hogs may be required to be tested for Brucellosis prior to entry to Utah.

(d)[4-] All breeding, feeding and exhibition swine shall be tested negative for pseudorabies within thirty days unless they originate from a recognized qualified pseudorabies free herd or pseudorabies Stage V state.

(i)[a-] Swine that have been vaccinated with any pseudorabies vaccine shall not enter the state.

(ii)[b-] Swine which are infected or exposed to pseudorabies may not enter the state, except swine consigned to a slaughterhouse for immediate slaughter and must be moved in compliance with 9 CFR 71, which is incorporated by reference.

(iii)[e-] Swine from states with known populations of feral or wild hogs may be required to be tested for Pseudorabies prior to entry to Utah.

~~]~~ ~~B. Immediate Slaughter~~

~~1. Swine shipped into Utah for immediate slaughter must not have been fed raw garbage, must be shipped in for immediate slaughter with no diversions, and must be free from any infectious or eontagious disease in compliance with 9 CFR 71, which is incorporated by reference.~~

~~]~~ (2)[C-] Prohibition of Non-domestic and Non-native Suidae and Tayassuidae

(a)[1-] Javelina or Peccary, and feral or wild hogs such as Eurasian or Russian wild hogs (*Sus scrofa*) are considered invasive species in Utah, capable of establishing wild reservoirs of disease such as brucellosis and pseudorabies.

(b)[2-] These animals are prohibited from entry to Utah except when approved by special application only for purposes of exhibition and after meeting the above testing requirements.

(c)[3-] Any person who imports Javelina, Peccary or feral or wild hogs such as Eurasian or Russian wild hogs (*Sus scrofa*) into Utah without prior approval by the Department shall be subject to citation and fines as prescribed by the ~~D~~[d]epartment or may be called to appear before an administrative proceeding by the department.

R58-1-9[8]. Sheep.

(1)[A-] All sheep imported must be accompanied by a Certificate of Veterinary Inspection and an import permit.

(a)[1-] No sheep exhibiting clinical signs of blue tongue may enter Utah.

(b)[2-] Sheep must be thoroughly examined for evidence of foot rot and verified that they are free from foot rot.

(c)[3-] Sheep entering Utah must comply with federal Scrapie identification requirements as listed in 9 CFR 79, which is incorporated by reference.

(d)[4-] Sheep from scrapie infected, exposed, quarantined or source flocks may not be permitted to enter the state unless an official post-exposure flock eradication and control plan has been implemented.

(e)[5-] Breeding rams six months of age or older shall test negative for *Brucella ovis* within 30 days of entry or originate from a certified brucellosis free flock.

(i)[a-] Rams entering Utah for exhibition purposes only and returning immediately to their home state are exempt from the testing requirement.

R58-1-10[9]. Poultry.

~~(1) All poultry and hatching eggs being imported into Utah [the state shall comply with Title 4, Chapter 29 and R58-6 governing poultry which requires] must meet the following requirements:~~

~~(a) All poultry and hatching eggs must have an import permit from the Department.~~

~~(b) All poultry and hatching eggs entering Utah must have a Certificate of Veterinary Inspection or a National Poultry Improvement Plan VS Form 9-3.~~

~~(c) All poultry and hatching eggs shall originate from flocks or hatcheries that have a Pullorum-Typhoid Clean rating given by the official state agency of the National Poultry Improvement Plan (NPIP) of the state, or~~

~~(d) All poultry entering Utah from a flock or hatchery which does not have a clean rating through NPIP certification must have been tested negative for Pullorum-Typhoid within the last 30 days.~~

R58-1-11[0]. Goats and Camelids.

(1)[A-] Goats being imported into Utah must meet the following requirements:

(a)[1-] Dairy goats must have an import permit from the Department and an official Certificate of Veterinary Inspection showing a negative tuberculosis test within 60 days, and a negative brucellosis test within 30 days prior to entry or be from a certified brucellosis free herd and accredited tuberculosis free herd. Thereto; there must be no evidence of caseous lymphadenitis (abscesses).

(b)[2-] Meat type goats must have an import permit from the Department and an official[a] Certificate of Veterinary Inspection indicating they are free from any communicable diseases or exposure and that there is no evidence of caseous lymphadenitis (abscesses).

~~(c)[3-]~~ Goats entering Utah must comply with ~~F[f]~~ederal Scrapie identification requirements as listed in 9 CFR 79, which is incorporated by reference.

~~(d)[4- Exemption-]~~ Goats for slaughter may be shipped into Utah directly to an approved slaughter establishment or to an approved auction market without an official Certificate of Veterinary Inspection and an import permit but must comply with Federal Scrapie identification requirements as listed in 9 CFR 79, which is incorporated by reference.

~~(2)[B-]~~ Camelids being imported into Utah must have an import permit from the Department and an official[~~a~~] Certificate of Veterinary Inspection showing a negative tuberculosis test within 60 days, and a negative brucellosis test within 30 days prior to entry or be from a certified brucellosis free herd and accredited tuberculosis free herd.

~~(3)[C-]~~ Test eligible age for both brucellosis and tuberculosis shall be 6 months of age or older for both goats and camelids.

~~(4)[D-]~~ Dairy goats and camelids entering Utah for exhibition purposes only and returning immediately to their home state are exempt from the testing requirement.

R58-1-12[4]. Psittacine and Passerine Birds and Raptors.

~~(1)[A-]~~ No psittacine or passerine birds or raptors [~~offered for sale-~~]shall be shipped into the State of Utah unless [~~an import permit is obtained from the Department prior to importation and-~~]an official Certificate of Veterinary Inspection accompanies the birds.

~~[----- 1. Request for an import permit must be made by an accredited veterinarian certifying that the birds are free from any signs of any infectious, contagious or communicable disease.~~

~~(2)[-]~~ The [~~request must state the-~~]number and kinds of birds to be shipped into Utah, their origin, date to be shipped and destination[~~-all~~] must be listed on the Certificate of Veterinary Inspection.

R58-1-13[2]. Dogs, ~~and~~ Cats, and Ferrets.

~~(1)~~ All dogs, cats and ferrets [~~over three months of age-~~] shall be accompanied by an official Certificate of Veterinary Inspection[~~-showing vaccination against rabies~~].

~~(2)~~ All dogs, cats and ferrets over three months of age must be currently vaccinated against rabies before entering Utah.

~~(a)~~ The date of vaccination, name of product used, and expiration date must be written on the Certificate of Veterinary Inspection[~~given~~].

~~(3)~~ No puppies or kittens less than 8 weeks of age shall be imported into the state unless accompanied by the mother.

R58-1-14. Exotic Animals.

~~(1)~~ It is unlawful for any person to import into the State of Utah any species of exotic animal that is prohibited for importation or possession as listed in Utah Administrative Code R657-3.

~~(2)~~ All exotic animals (birds, mammals, and reptiles) must be accompanied by an official Certificate of Veterinary Inspection.

~~(3)~~ All aquatic animals (fish, mollusk, crustacean, or amphibians) must fulfill all requirements of Utah Administrative Code R58-17 prior to importation into the State of Utah.

R58-1-15[3]. Game and Fur-Bearing Animals.

~~(1)[A-]~~ No game or fur bearing animals will be imported into Utah without an import permit being obtained from the Department.

~~(2)[B-]~~ Each shipment shall be accompanied by an official Certificate of Veterinary Inspection.

~~(3)[C-]~~ All mink entering Utah shall have originated on ranches where mink viral[us] enteritis has not been diagnosed or exposed to within the past three years.

R58-1-16[3a]. Captive Cervidae.

~~(1)[A-]~~ All captive cervidae entering Utah must meet the following requirements:

~~(a)[+]~~ No captive elk will be imported into Utah unless the destination premises is licensed with the Utah Department of Agriculture and Food.

~~(b)[2-]~~ No captive caribou or fallow deer will be imported into Utah unless a Certificate of Registration (COR) has been obtained from the Utah Division of Wildlife Resources.

~~(c)[3-]~~ No captive cervidae will be allowed to be imported into Utah that have originated from or have ever been east of the 100 degree meridian.

~~(d)[4-]~~ All captive elk imported into Utah must meet the genetic purity requirement as referenced in Title 4, Chapter 39, Section 301, Utah Code Unannotated.

~~(e)[5-]~~ All captive elk must meet the following Chronic Wasting Disease (CWD) requirements:

~~(i)[a-]~~ Elk must come from a state with a USDA approved herd certification program[CWD free area].

~~(ii)[b-]~~ Elk must originate from a herd that is not affected with or is a trace back or forward herd for CWD.

~~(iii)[e-]~~ Elk must originate from a herd that has had a CWD herd surveillance program for 5 years prior to movement.

~~(f)[6-]~~ All captive cervidae must be permanently identified using either a microchip or tattoo.

~~(g)[7-]~~ All captive cervidae must have an import permit from the Department.

~~(h)[8-]~~ All captive cervidae must have an official Certificate of Veterinary Inspection showing the following:

~~(i)[a-]~~ A negative tuberculosis[single cervical tuberculin] test within 60 days of import.

~~(ii)[b-]~~ Negative Brucella abortus test results from a single sample that has been tested by two USDA approved tests.

~~(iii)[e-]~~ Two forms of individual[~~AH~~] animal identification.

~~(iv)[d-]~~ A statement the that animals listed on the certificate are not known to be infected with Johne's Disease (Paratuberculosis)or Malignant Catarrhal Fever and have never been east of the 100 degree meridian.

R58-1-17[4]. Zoological Animals.

~~(1)[A-]~~ The entry of [~~common-~~]zoological animals[~~-such as monkeys, apes, baboons, rhinoceros, giraffes, zebras, elephants,-~~] to be kept in [~~zoos~~]zoological gardens, or shown at exhibitions is authorized when an import permit, subject to requirements established by the S[s]tate V[~~v~~]eterinarian, has been obtained from the Department and the animals are accompanied by an official Certificate of Veterinary Inspection.

(2) Movement of these animals must also be in compliance with the Federal Animal Welfare Act, 7 USC 2131-2159.

R58-1-18[5]. Wildlife.

(1)[A-] It is unlawful for any person to import into the State of Utah any species of live native or exotic wildlife except as provided in Title 23, Chapter 13 and Utah Administrative Code R657-3.

(2)[B-] All wildlife imports shall meet the same Department requirements as required for the importation of domestic animals.

R58-1-19[6]. Duties of Carriers.

Owners and operators of railroads, trucks, airplanes, and other conveyances are forbidden to move any livestock, poultry, or other animals into or within the State of Utah or through the State except in compliance with the provisions set forth in these rules.

(1)[A-] Sanitation. All railway cars, trucks, airplanes, and other conveyances used in the transportation of livestock, poultry or other animals shall be maintained in a clean, sanitary condition.

(2)[B-] Movement of Infected Animals. Owners and operators of railway cars, trucks, airplanes, and other conveyances that have been used for movement of any livestock, poultry, or other animals infected with or exposed to any infectious, contagious, or communicable disease as determined by the Department, shall be required to have cars, trucks, airplanes, and other conveyances thoroughly cleaned and disinfected under official supervision before further use is permissible for the transportation of livestock, poultry or other animals.

(3)[C-] Compliance with Laws and Rules. Owners and operators of railroad, trucks, airplanes, or other conveyances used for the transportation of livestock, poultry, or other animals are responsible to see that each consignment is prepared for shipment in keeping with the State and Federal laws and regulations. Certificate of Veterinary Inspection, brand certificates, and permits should be attached to the waybill accompanying the attendant in charge of the animals.

KEY: disease control, import requirements

Date of Enactment or Last Substantive Amendment: ~~March 24, 2011~~ 2013

Notice of Continuation: January 18, 2012

Authorizing, and Implemented or Interpreted Law: 4-2-2(1)(j); 4-31

Capitol Preservation Board (State),
Administration
R131-2-6
General Requirements for Use of the
Capitol Hill Complex

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 37799
FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the amendment is to delete the prohibition of signs or posters on sticks or poles at the State Capitol Hill Complex.

SUMMARY OF THE RULE OR CHANGE: This change deletes the prohibition of signs or posters on sticks or poles at the State Capitol Hill Complex.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-301

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The state budget will not be affected since the change is simply deleting the prohibition of signs or posters on sticks or poles at the Capitol Hill Complex.
- ◆ **LOCAL GOVERNMENTS:** Local governments will not be affected since the change is simply deleting the prohibition of signs or posters on sticks or poles at the Capitol Hill Complex.
- ◆ **SMALL BUSINESSES:** Small businesses will not be affected since the change is simply deleting the prohibition of signs or posters on sticks or poles at the Capitol Hill Complex.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No other person will be affected since the change is simply deleting the prohibition of signs or posters on sticks or poles at the Capitol Hill Complex.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no associated compliance costs for any person since the change is simply deleting the prohibition of signs or posters on sticks or poles at the Capitol Hill Complex.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CAPITOL PRESERVATION BOARD (STATE)
ADMINISTRATION
ROOM E110 EAST BUILDING
420 N STATE ST
SALT LAKE CITY, UT 84114-2110
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
- ◆ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov
- ◆ Chiarina Glead by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cglead@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Allyson Gamble, Executive Director

R131. Capitol Preservation Board (State), Administration.

R131-2. Capitol Hill Complex Facility Use.

R131-2-6. General Requirements for Use of the Capitol Hill Complex.

(1) General Requirements.

(a) These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all other activities, groups and individuals using the Capitol Hill Complex.

(b) Except for state holidays, the Capitol building will be open to the general public Monday through Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 8:00 a.m. to 6:00 p.m. Free speech activities may be conducted beyond the times identified in this subsection, as specified in rule R131-11. Unless otherwise authorized, Capitol Hill Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are available for permitted use, activities or events from 8:00 a.m. to 11:00 p.m.

(c) Activities, except free speech activities, may be specifically denied during legislative sessions.

(d) No event may disrupt or interfere with any legislative session, legislative meeting, or the conduct of any state or governmental business, meeting or proceeding on the Capitol Hill Complex. No person shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of the Capitol Hill Complex.

(e) Levels of audible sound generated by any individual or group, indoors or on the plaza between the House and Senate Buildings, whether amplified or not, shall not exceed 85 decibels or a more restrictive limit established by applicable laws or ordinances. All outdoor events shall not exceed noise limits established by applicable laws or ordinances.

(f) Fire exits, staircases, doorways, roads, sidewalks, hallways and pathways shall not be blocked, and the efficient flow of pedestrian traffic shall not be obstructed at any time.

(g) Alteration and damage to the Capitol Hill Grounds including grass, plants, shrubs, trees, paving or concrete is prohibited.

(h) No object or substance of any kind shall be placed on or in the Capitol Plaza fountain. Standing on or in the fountain is prohibited.

(i) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing, shall be at the expense of the person(s) responsible for such damage or destruction.

(j) The consumption, distribution, or open storage of alcoholic beverages is prohibited.

(k) Service animals are permitted, but the presence of other animals is allowed only with advance written permission of the executive director. Owners/caretakers are responsible for the safety to the animal, persons, grounds and facilities.

(l) Camping is prohibited on the Capitol Hill Complex.

(m) Littering is prohibited.

(n) Commercial solicitation as defined in rule R131-10 is prohibited except as provided in rule R131-10.

(o) The use of a personal space heater is prohibited, except as provided in Subsection (i).

(i) Any person with a medical related condition may obtain approval by the Executive Director to use a personal space heater provided the person submits a signed statement by a Utah licensed physician verifying that the medical related condition requires a change in the standard room temperature and the use of the space heater meets the specifications in Subsection (ii).

(ii) If a space heater is approved by the Executive Director, the space heater shall not exceed 900 watts at its highest setting, be equipped with a self-limiting element temperature setting for the ceramic elements, have a tip-over safety device, be equipped with a built-in timer not to exceed eight hours per setting, be equipped with a programmable thermostat, and be equipped with an overheat protection feature.

(p) Tables, chairs, furniture, art and other objects in the Capitol Building shall only be moved by the Board's staff. No outside furniture, including tables or chairs, shall be allowed in the Capitol Building or any other facility on the Capitol Hill Complex without the advance written approval of the Executive Director.

(2) Decorations.

(a) All cords must be taped down with 3M #471 tape or equivalent as determined by the executive director.

(b) There shall be no posting or affixing of placards, banners, or signs to any part of any building or on the grounds. All signs or placards used at the Capitol Hill Complex shall be hand held. [~~Signs or posters may not be on sticks or poles.~~]

(c) No adhesive material, wire, nails, or fasteners of any kind may be used on the buildings or grounds.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structure(s).

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the inside or outside of any facility or any portion of the grounds without the advance written approval of the Executive Director. Users must submit any decoration requests in writing to the Executive Director at least ten working days in advance.

(h) Signs, posters, decorations, displays, or other media shall be in compliance with the state law regarding Pornographic and Harmful Materials and Performance, Section 76-10-1201 et seq.

(i) Leaving any item(s) against the exterior or interior walls, pillars, busts, statues, portraits or staircases of the Capitol building is prohibited.

(j) Balloons are not allowed inside the Capitol building.

(3) Set up/Clean up.

(a) All deliveries and loading/unloading of materials shall be limited to routes and elevators as specified by the executive director.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all facilities and grounds in its original condition and appearance.

(4) Parking.

(a) Parking is limited. All posted parking restrictions on the Capitol Hill Complex, including reserved parking stalls, shall be observed.

(b) Parking for large vehicles or trailers shall require the prior approval of the executive director, which approval may be withheld if the large vehicle or trailer may interfere with the access or use of the Capitol Hill Complex.

(c) Except as expressly allowed by the executive director, overnight parking is prohibited.

(5) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the executive director by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons on the Capitol Hill Complex.

(c) "No Smoking" statutes, rules and policies, including the Utah Indoor Clean Air Act, Title 26, Chapter 38, Utah Code shall be observed.

(d) Open flames, flammable fluids, candles, and explosives are prohibited.

(e) All persons must obey all applicable firearm laws, rules, and regulations.

(6) Security and Supervision.

(a) The Facility Use Application shall be reviewed by the senior ranking officer in charge of security for the Capitol Hill Complex, who shall determine the total number of uniformed security officers required for the proposed event based upon the nature of the event and the risk factors that are reasonably anticipated. Such determination by the senior ranking officer may increase the minimum number of required officers stated in this subsection. At a minimum: one uniformed security officer shall be required for any event consisting of 1-399 participants; two uniformed security officers shall be required for any event consisting of 400 or more participants. The applicant shall pay, in addition to all other required fees, the cost of the providing of all required security officers. These security fees may not be waived. This subparagraph shall not apply to free speech activities or state sponsored activities.

(b) At least one representative of the applicant identified in the application and permit shall be present during the entire activity;

(c) The activity sponsor (permit holder) is responsible for restricting the area of use by participants to the specified room and rest room areas of the reserved facilities.

(d) The activity sponsor (permit holder) shall control entrances to allow only authorized persons to enter any permitted facility or grounds.

(7) Photography, Portraits and Video/Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the executive director for scheduling.

(b) Any photography, videotaping or filming, which includes wedding participants and family portraits, and which may take place anywhere in the facilities or grounds of the Capitol Hill Complex, will be required to comply with this Rule.

(i) Such photography, videotaping or filming, may be scheduled by the executive director on Tuesday from 3 p.m. to 6 p.m., Friday from 12 p.m. to 6 p.m., and Saturday from 8[:00] a.m. to 4 p.m. The executive director may allow a different time than specified herein upon written request and if the executive director determines that such other time can be accommodated by any necessary state personnel and does not conflict with state business and any other scheduled events. The executive director may reschedule as needed to accommodate events and state business whether scheduled or not.

(ii) In regard to inside the Capitol building, such photography, videotaping or filming may occur in the following areas: the East grand stairs, the West grand stairs, and the center of the Rotunda or other areas as approved by the executive director.

(iii) A processing fee shall be required for such photography, videotaping or filming. Additionally, a deposit may be required to cover the costs of any anticipated cleanup by the state after the session. These fees shall be described in the Fee Schedule approved by the Board.

(c) Any photography, videotaping or filming that is for the purpose of promoting any private business purposes, including television commercials, movies and photography for business advertising, shall be required to submit a Facility Use Application, pay the required fee from the Fee Schedule approved by the Board, and the time and location must be approved by the Executive Director.

(d) Unless specifically endorsed by an authorized official of the State of Utah, any photography, videotaping or filming shall not expressly or impliedly indicate any State of Utah endorsement of any product, service or any other aspect of the depiction.

(e) This subsection (7) shall not apply to tourists and does not apply to the extent it is the exercise of a free speech activity.

(8) Liability.

(a) The state, Board, executive director and their designees, employees and agents shall not be deemed in default of any issued permit, or liable for any damages if the performance of any or all of their obligations under the permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state shall not be responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity or event.

(c) Users/applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the user or an attendee at the applicant's event.

(9) Indemnification. Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

(10) Food Services, Cafe Operator and Authorized Caterer Requirements.

(a) In General. Catering services on the Capitol Hill Complex shall be exclusively provided by the Cafe Operator and

Authorized Caterer for those areas of the Capitol Hill Complex under the jurisdiction of the Board and to the extent expanded by the Legislative Management Committee or the Governor's Office, whichever is applicable. Multiple Authorized Caterers may be approved by the Executive Director. The Cafe Operator shall be responsible for all activities in the kitchen, servery, dining and conference rooms associated with the dining room, known as the "State Room," and located on the first floor of the East Senate Building. The Cafe Operator shall have the exclusive right to provide food and beverages in the State Room, but may give permission for an Authorized Caterer to provide food and beverages in the State Room.

(b) Authorized Caterer Requirements. In order to qualify as an Authorized Caterer, an application must be approved by the Executive Director based on meeting the following requirements:

(i) Quality Control Policies. The Authorized Caterer must have quality control policies that are consistent with those set forth in the contract between the Board and the Cafe Operator. The Executive Director shall provide a form describing the minimum standards.

(ii) Application Form. A person or entity seeking to be an Authorized Caterer shall complete an application form approved by the Executive Director.

(iii) Insurance. A Certificate of Insurance shall be provided to the Executive Director for all of the following insurance and such insurance shall be maintained throughout the term of the catering event and for at least one year thereafter:

(A) The Authorized Caterer shall maintain Commercial General Liability insurance with per occurrence limits of at least \$1,000,000 and general aggregate limits of at least \$2,000,000. The selected Authorized Caterer shall also maintain, if applicable to the Authorized Caterer's operations or the specific activity, Business Automobile Liability insurance covering Caterer's owned, non-owned, and hired motor vehicles and/or Professional Liability (errors and omissions) insurance with liability limits of at least \$1,000,000 per occurrence. Such insurance policies shall be endorsed to be primary and not contributing to any other insurance maintained by the Board or the State of Utah.

(B) The Budget Development and Board Operations Subcommittee reserves the right at any time to require additional coverage from that required in this Rule, at the Authorized Caterer's expense for the additional coverage, based upon the specific risks presented by any proposed event and as recommended by the State's Risk Manager.

(C) The Authorized Caterer shall maintain all employee related insurances, in the statutory amounts, such as unemployment compensation, worker's compensation, and employer's liability, for its employees or volunteers involved in performing services pursuant to the Event. Such worker's compensation and employer's liability insurance shall be endorsed to include a waiver of subrogation against the State of Utah, the Board, its agents, officers, directors and employees. Authorized Caterer shall also maintain "all risk" property insurance at replacement cost applicable to the Authorized Caterer's property and/or its equipment.

(D) The Authorized Caterer's insurance carriers and policy provisions must be acceptable to the State of Utah's Risk Manager and remain in effect for the duration of the catering event and for at least one-year thereafter. The Board shall be named as an additional insured on the Commercial General Liability, the Professional Liability Insurance and all other required insurance policies. The Authorized Caterer will cause any of its subcontractors, who provide materials or

perform services related to the catering service(s), to also maintain the insurance coverages and provisions listed above.

(E) The Authorized Caterer shall submit certificates of insurance as evidence of the above required coverage to the Executive Director prior to any entering into a contract related to the catering event. Such certificates shall provide the Board with thirty (30) calendar days written notice prior to the cancellation or material change of the applicable coverage, as evidenced by return receipt or certified mail, sent to the office of the Executive Director.

(iv) Indemnification: The Authorized Caterer shall hold harmless, defend and indemnify the State of Utah, the Board and its officers, employees, and agents from and against any and all acts, errors or omissions which may cause damage to property or person(s), claims, losses, damages to the facilities or grounds of the Capitol Hill Complex, causes of action, judgments, damages and expenses including, but not limited to attorney's fees because of bodily injury, sickness, disease or death, or injury to or destruction of tangible property or any other injury or damage resulting from or arising out of the negligent acts or omissions or willful misconduct of the Authorized Caterer, or its agents, employees subcontractors or anyone for whom the Authorized Caterer may be liable, except where such claims, losses, causes of action, judgments, damages and expenses result solely from the negligent acts or omissions or willful misconduct of the Board, its officers, employees or agents.

(v) Record Keeping and Audit Rights: The Authorized Caterer shall maintain accurate accounting records for all goods and services provided, and shall retain all such records for a period of at least three (3) years from the date of the catering service. Upon reasonable notice and during normal business hours, the Board, or any of its duly authorized representatives, shall have access to and the right to audit any records or other documents pertaining to the Authorized Caterer. The Board's audit rights shall extend for a period of at least three (3) years from the date of the catering service.

(vi) Equal Opportunity: The Authorized Caterer shall not unlawfully discriminate against any employee, applicant for employment, or recipient of services.

(vii) Taxes: The Authorized Caterer shall be responsible for and pay all taxes which may be levied or incurred against the Authorized Caterer, including taxes levied or incurred against Authorized Caterer's income, inventory, property, sales, or other taxes.

(viii) Taxes: Board is Exempt: The Board is exempt from State of Utah sales and excise taxes. Exemption certification information appears on all purchase orders issued by the Board and such taxes will not apply to the Board.

(ix) Suspension/Debarment. The Authorized Caterer must notify the Executive Director within 10 calendar days if debarred or suspended by any governmental entity.

(x) Comply with Facility Use Rules. The Authorized Caterer shall comply with all of the Facility Use Rules enacted by the Board. Upon submission of any evidence to the Budget Development and Board Operations Subcommittee that the Authorized Caterer has not complied with a rule enacted by the Board, the Authorized Caterer shall be removed from eligibility for providing any catering service on the Capitol Hill Complex for a period of time as determined by the Subcommittee and consistent with the Board's rules on suspension and debarment.

(xi) Inspection. The Board or the Executive Director reserves the right to inspect the Authorized Caterer's facilities and operations with respect to use, safety, sanitation and the maintenance

of premises which shall be maintained at a level satisfactory to the Board.

(xii) Energy. The Authorized Caterer shall exercise due care to keep utility services at a minimum, conserve the use of energies, and control the resulting costs.

(xiii) Food Handlers Permits. All of the Authorized Caterer's employees must have a current Food Handlers Permit. Documentation shall be promptly provided upon request of the Executive Director that established that all employees and temporary employees have valid Food Handlers Permits.

(xiv) The Authorized Caterer must have a locally grown food quality assurance program similar to that required of the Café Operator, which covers the food or products that are not provided by nationally recognized vendors.

(xv) Fees and costs associated with catering services, including the Café Operator or the Authorized Caterer, shall be the responsibility of the Applicant and cannot be waived.

(xvi) Security.

(A) An Authorized Caterer shall provide to the Executive Director at least 24 hours in advance of any catered event, a list of all full-time and part-time employees that will be involved with the catering service on the Capitol Hill Complex.

(B) The Applicant shall be assessed a fee to provide for the presence of at least one Board employee to be present and to assist with ingress and egress from the Capitol Hill Complex, set-up, coordination and assurance of appropriate performance under this Rule as well as timely and appropriate clean-up after the event. This fee cannot be waived.

(11) Public Notices, Employee Postings, Required Use of Bulletin Boards.

(a) Notices of Capitol Hill Complex meetings, information or announcements related to state of other governmental business shall be posted at executive director approved locations. If any posting is to be done by a person not officed in the Capitol Hill Complex, the executive director shall be notified prior to the posting for approval of the location(s) and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.

(b) Posting of handbills, leaflets, circulars, advertising or other printed materials by state employees officed in the Capitol Hill Complex shall be on executive director approved bulletin[g] boards.

(12) Enforcement of Rules.

(a) If any person or group is found to be in violation of any of the applicable laws and rules, a law enforcement officer or state capitol security officer may issue a warning to cease and desist from any non-complying acts. If the law enforcement or security officer observes a non-compliant act after a warning, the officer may take disciplinary action including citations, fines, cancellations of event or activity, or removal from the Capitol Hill Complex.

(13) Waivers.

The Budget Development and Board Operations Subcommittee may waive the requirements of any provision of R131-2-6 provided that the provision of Rule R131-2-6 does not specifically indicate that it is non-waivable, upon being presented with compelling reasons that the waiver will substantially benefit the public of the state of Utah and that the facilities, grounds and persons will be appropriately protected. Any approved waiver must still require compliance with all other provisions of this Rule. The waiver request must be submitted in writing to the Executive Director, for

consideration by the Subcommittee at its next regularly scheduled meeting, and must accompany any required Facility Use Application. Conditions may be placed on any approved waiver by the Subcommittee to assure the appropriate protection of facilities, grounds and persons. An appeal to the Board of a denial or the conditions of such waiver may be filed and processed similarly to the denial of a Facility Use Application as described in R131-2-5.

KEY: public buildings, facilities use

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

Notice of Continuation: April 7, 2010

Authorizing, and Implemented or Interpreted Law: 63C-9-101 et seq.

Commerce, Occupational and Professional Licensing **R156-1** General Rule of the Division of Occupational and Professional Licensing

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37754
FILED: 06/20/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is first, to establish a fine schedule for the new fine authority established by H.B. 51 from the 2013 General Legislative Session; second, to define the time period for the filing of a motion to quash or modify an administrative subpoena, and any response thereto; third, to modify the exceptions for address list releases to allow for multiple use or disclosure of a list by the requestor for the reason requested; fourth, to extend the renewal date for controlled substance handlers to the same date for pharmacy and pharmacist renewals; and finally, to make technical changes.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-1-106(1) is modified to delete the language "and shall not be sold or otherwise redisclosed by the requestor" to enable a requestor to use an address list multiple times for the reason requested, instead of having to request it each time. This is less cumbersome and more cost effective for both the requestor and the Division. Subsection R156-1-110(3) is added to address the time periods for filing and serving a motion to quash an administrative subpoena and any response thereto. It prohibits the filing of a final reply by the recipient of an administrative subpoena. In Section R156-1-308a, the renewal date for Controlled Substance Handlers is extended from May 31st of odd years to September 30th of

odd years to coincide with pharmacy renewals to which they relate. The way in which they have been handled has created confusion. Controlled Substance Handlers were not sent a renewal notice in anticipation of S.B. 14 (2013) which exempts university researchers from pharmacy licensure. However other researchers and other categories of controlled substance handlers still require licensure. As a result, their renewal date needs to be extended to permit the Division the necessary time to revise the rules to better enumerate, define and address each category of pharmacy in this category, and to send the appropriate renewal notices. Because they are a category of pharmacy licensure, it makes sense to move the renewal date to the same date established for pharmacy and pharmacist renewal. In Section R156-1-502, the fine schedule is modified to include and establish the fine amount for the new offense code Subsection R156-1-501(2)(o) established by H.B. 51 (2013). The fine is established as a range of \$0 - \$250 for a first offense and \$251 - \$500 for a second offense with the same standard language addressing third offenses, if any. Violations of probation vary in level of seriousness and there are differences in professions. It is anticipated that the range will allow for and accommodate these differences without greater specificity in the rules. Each case will be evaluated on its own merits utilizing the existing standards set in Section R156-1-302.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-1-308 and Subsection 58-1-106(1)(a) and Subsection 58-1-501(2)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Rule R156-1 will have to be reprinted at an approximate cost of \$100. Revenue will be generated by the new citation and fine authority created by H.B. 51 (2013). The amount cannot be estimated. A small amount of revenue will be lost by allowing address list requests to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in a delay in collection of the applicable renewal fees. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by S.B. 14 (2013). The exemption from licensure will result in a savings to university researchers, most of whom are at the University of Utah, and revenue loss to state government. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

◆ **LOCAL GOVERNMENTS:** The proposed amendments do not affect and will not impact local governments.

◆ **SMALL BUSINESSES:** A small amount of cost savings will be experienced by those who are exempt and able to use address lists by allowing lists to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in an additional four months to the existing two year license and a

corresponding delay before the renewal fee is due. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by S.B. 14 (2013). The exemption from licensure will result in a savings to researchers at or associated with a properly accredited university, most of whom are at or associated with the University of Utah. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** A small amount of cost savings will be experienced by those who are exempt and able to use address lists by allowing lists to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in an additional four months to the existing two-year license and a corresponding delay before the renewal fee is due. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by S.B. 14 (2013). The exemption from licensure will result in a savings to researchers at or associated with a properly accredited university, most of who are at or associated with the University of Utah. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A small amount of cost savings will be experienced by those who are exempt and able to use address lists by allowing lists to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in an additional four months to the existing two-year license and a corresponding delay before the renewal fee is due. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by S.B. 14 (2013). The exemption from licensure will result in a savings to researchers at or associated with a properly accredited university, most of who are at or associated with the University of Utah. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Nominal savings to businesses that regularly request address lists from the Division should follow from the removal of language that currently prohibits the use of an address list for multiple purposes. Certain pharmacy researchers will also realize savings due to their being exempted from licensure, as required under S.B. 14 (2013). No further fiscal impact to businesses is anticipated from this 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:
♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO
LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-1. General Rule of the Division of Occupational and Professional Licensing.

R156-1-106. Division - Duties, Functions, and Responsibilities.

(1) In accordance with Subsection 58-1-106(2), the following responses to requests for lists of licensees may include multiple licensees per request and may include home telephone numbers, home addresses, and e-mail addresses, subject to the restriction that the addresses and telephone numbers shall only be used by a requester for purposes for which the requester is properly authorized ~~and shall not be sold or otherwise redisclosed by the requester~~:

(a) responses to requests from another governmental entity, government-managed corporation, a political subdivision, the federal government, another state, or a not-for-profit regulatory association to which the Division is a member;

(b) responses to requests from an occupational or professional association, private continuing education organizations, trade union, university, or school, for purposes of education programs for licensees;

(c) responses to a party to a prelitigation proceeding convened by the Division under Title 78, Chapter 14;

(d) responses to universities, schools, or research facilities for the purposes of research;

(e) responses to requests from licensed health care facilities or third party credentialing services, for the purpose of verifying licensure status for issuing credentialing or reimbursement purposes; and

(f) responses to requests from a person preparing for, participating in, or responding to:

(i) a national, state or local emergency;

(ii) a public health emergency as defined in Section 26-23b-102; or

(iii) a declaration by the President of the United States or other federal official requesting public health-related activities.

(2) In accordance with Subsection 58-1-106(3)(a) and (b), the Division may deny a request for an address or telephone number of a licensee to an individual who provides proper identification and the reason for the request, in writing, to the Division, if the reason for the request is deemed by the Division to constitute an unwarranted invasion of privacy or a threat to the public health, safety, and welfare.

(3) In accordance with Subsection 58-1-106(3)(c), proper identification of an individual who requests the address or telephone number of a licensee and the reason for the request, in writing, shall consist of the individual's name, mailing address, and daytime number, if available.

R156-1-109. Presiding Officers.

In accordance with Subsection 63G-4-103(1)(h), Sections 58-1-104, 58-1-106, 58-1-109, 58-1-202, 58-1-203, 58-55-103, and 58-55-201, except as otherwise specified in writing by the director, or for Title 58, Chapter 55, the Construction Services Commission, the designation of presiding officers is clarified or established as follows:

(1) The Division regulatory and compliance officer is designated as the presiding officer for issuance of notices of agency action and for issuance of notices of hearing issued concurrently with a notice of agency action or issued in response to a request for agency action, provided that if the Division regulatory and compliance officer is unable to so serve for any reason, a replacement specified by the director is designated as the alternate presiding officer.

(2) Subsections 58-1-109(2) and 58-1-109(4) are clarified with regard to defaults as follows. Unless otherwise specified in writing by the director, or with regard to Title 58, Chapter 55, by the Construction Services Commission, the department administrative law judge is designated as the presiding officer for entering an order of default against a party, for conducting any further proceedings necessary to complete the adjudicative proceeding, and for issuing a recommended order to the director or commission, respectively, determining the discipline to be imposed, licensure action to be taken, relief to be granted, etc.

(3) Except as provided in Subsection (4) or otherwise specified in writing by the director, the presiding officer for adjudicative proceedings before the Division are as follows:

(a) Director. The director shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsections R156-46b-201(1)(b), and R156-46b-201(2)(a) through (c), however resolved, including stipulated settlements and hearings; and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(g), (j), (l), (m), (o), (s), and (t), and R156-46b-202(2)(a) through (d), however resolved, including memorandums of understanding and stipulated settlements.

(b) Bureau managers or program coordinators. Except for Title 58, Chapter 55, the bureau manager or program coordinator over the occupation or profession or program involved shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsection R156-46b-201(1)(c), for purposes of determining whether a request for a board of appeal is properly filed as set forth in Subsections R156-~~405~~15A-210(1) through (4); and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(a) through (d),(f), (h), (j), (n), (p)(ii) and (iii), (q)(ii) and (iii), (r)(ii) and (iii), and R156-46b-202(2)(b) (iii).

(iii) At the direction of a bureau manager or program coordinator, a licensing technician or program technician may sign an informal order in the name of the licensing technician or program technician provided the wording of the order has been approved in advance by the bureau manager or program coordinator and provided the caption "FOR THE BUREAU MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the licensing technician's or program technician's signature.

(c) Citation Hearing Officer. The regulatory and compliance officer or other citation hearing officer designated in writing by the director shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1) (k).

(d) Uniform Building Code Commission. The Uniform Building Code Commission shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1) (e) for convening a board of appeal under Subsection 15A-1-207(3), for serving as fact finder at any evidentiary hearing associated with a board of appeal, and for entering the final order associated with a board of appeal. An administrative law judge shall perform the role specified in Subsection 58-1-109(2).

(e) Residence Lien Recovery Fund Advisory Board. The Residence Lien Recovery Fund Advisory Board shall be the presiding officer for adjudicative proceedings described in Subsection R156-46b-202(1)(f) that exceed the authority of the program coordinator, as delegated by the board, or are otherwise referred by the program coordinator to the board for action.

(4) Unless otherwise specified in writing by the Construction Services Commission, the presiding officers and process for adjudicative proceedings under Title 58, Chapter 55, are established or clarified as follows:

(a) Commission.

(i) The commission shall be the presiding officer for all adjudicative proceedings under Title 58, Chapter 55, except as otherwise delegated by the commission in writing or as otherwise provided in this rule; provided, however, that all orders adopted by the commission as a presiding officer shall require the concurrence of the director.

(ii) Unless otherwise specified in writing by the commission, the commission is designated as the presiding officer:

(A) informal adjudicative proceedings described in Subsections R156-46b-202(1)(l), (m),(o),(r)(i), (s), and (t), and R156-46b-202(2)(b) through (d), however resolved, including memorandums of understanding and stipulated settlements;

(B) to serve as fact finder and adopt orders in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed under Title 58, Chapter 55; and

(C) to review recommended orders of a board, an administrative law judge, or other designated presiding officer who acted as the fact finder in an evidentiary hearing involving a person licensed or required to be licensed under Title 58, Chapter 55, and to adopt an order of its own. In adopting its order, the commission may accept, modify or reject the recommended order.

(iii) If the commission is unable for any reason to act as the presiding officer as specified, it shall designate another presiding officer in writing to so act.

(iv) Orders of the commission shall address all issues before the commission and shall be based upon the record developed in an adjudicative proceeding conducted by the commission. In cases in which the commission has designated another presiding officer to conduct an adjudicative proceeding and submit a recommended order, the record to be reviewed by the commission shall consist of the findings of fact, conclusions of law, and recommended order submitted to the commission by the presiding officer based upon the evidence presented in the adjudicative proceeding before the presiding officer.

(v) The commission or its designee shall submit adopted orders to the director for the director's concurrence or rejection within 30 days after it receives a recommended order or adopts an order, whichever is earlier. An adopted order shall be deemed issued and constitute a final order upon the concurrence of the director.

(vi) If the director or his designee refuses to concur in an adopted order of the commission or its designee, the director or his designee shall return the order to the commission or its designee with the reasons set forth in writing for the nonconcurrence therein. The commission or its designee shall reconsider and resubmit an adopted order, whether or not modified, within 30 days of the date of the initial or subsequent return, provided that unless the director or his designee and the commission or its designee agree to an extension, any final order must be issued within 90 days of the date of the initial recommended order, or the adjudicative proceeding shall be dismissed. Provided the time frames in this subsection are followed, this subsection shall not preclude an informal resolution such as an executive session of the commission or its designee and the director or his designee to resolve the reasons for the director's refusal to concur in an adopted order.

(vii) The record of the adjudicative proceeding shall include recommended orders, adopted orders, refusals to concur in adopted orders, and final orders.

(viii) The final order issued by the commission and concurred in by the director may be appealed by filing a request for agency review with the executive director or his designee within the department.

(ix) The content of all orders shall comply with the requirements of Subsection 63G-4-203(1)(i) and Sections 63G-4-208 and 63G-4-209.

(b) Director. The director is designated as the presiding officer for the concurrence role on disciplinary proceedings under Subsections R156-46b-202(2)(b) through (d) as required by Subsection 58-55-103(1)(b)(iv).

(c) Administrative Law Judge. Unless otherwise specified in writing by the commission, the department administrative law judge is designated as the presiding officer to conduct formal adjudicative proceedings before the commission and its advisory boards, as specified in Subsection 58-1-109(2).

(d) Bureau Manager. Unless otherwise specified in writing by the commission, the responsible bureau manager is designated as the presiding officer for conducting informal adjudicative proceedings specified in Subsections R156-46b-202(1) (a) through (d),(h),(n), (p)(i) and (q)(i).

(e) At the direction of a bureau manager, a licensing technician may sign an informal order in the name of the licensing technician provided the wording of the order has been approved in advance by the bureau manager and provided the caption "FOR THE BUREAU MANAGER" immediately precedes the licensing technician's signature.

(f) Plumbers Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Plumbers Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as plumbers.

(g) Electricians Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Electricians Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as electricians.

(h) Alarm System Security and Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Alarm System Security and Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as alarm companies or agents.

R156-1-110. Issuance of Investigative Subpoenas.

(1) All requests for subpoenas in conjunction with a Division investigation made pursuant to Subsection 58-1-106(1)(c), shall be made in writing to the investigative subpoena authority and shall be accompanied by an original of the proposed subpoena.

(a) Requests to the investigative subpoena authority shall contain adequate information to enable the subpoena authority to make a finding of sufficient need, including: the factual basis for the request, the relevance and necessity of the particular person, evidence, documents, etc., to the investigation, and an explanation why the subpoena is directed to the particular person upon whom it is to be served.

(b) Approved subpoenas shall be issued under the seal of the Division and the signature of the subpoena authority.

(2) The person who requests an investigative subpoena is responsible for service of the subpoena.

(3)(a) Service may be made:

(i) on a person upon whom a summons may be served pursuant to the Utah Rules of Civil Procedure; and

(ii) personally or on the agent of the person being served.

(b) If a party is represented by an attorney, service shall be made on the attorney.

(4)(a) Service may be accomplished by hand delivery or by mail to the last known address of the intended recipient.

(b) Service by mail is complete upon mailing.

(c) Service may be accomplished by electronic means.

(d) Service by electronic means is complete on transmission if transmission is completed during normal business hours at the place receiving the service; otherwise, service is complete on the next business day.

(5) There shall appear on all investigative subpoenas a certificate of service.

(6) The investigative subpoena authority may quash or modify an investigative subpoena if it is shown to be unreasonable or oppressive.

(a) A motion to quash or modify an investigative subpoena shall be filed with and served upon the subpoena authority no later than ten days after service of the investigative subpoena.

(b) A response by the Division to a motion to quash or modify an investigative subpoena shall be filed with and served upon the subpoena authority no later than five business days after receipt of a motion to quash or modify an investigative subpoena.

(c) No final reply by the recipient of an investigative subpoena who files a motion to quash or modify shall be permitted.

R156-1-308a. Renewal Dates.

(1) The following standard two-year renewal cycle renewal dates are established by license classification in accordance with the Subsection 58-1-308(1):

TABLE
RENEWAL DATES

| | | |
|--|--|------------------------|
| (1) Acupuncturist | May 31 | even years |
| (2) Advanced Practice Registered Nurse | January 31 | even years |
| (3) Advanced Practice Registered Nurse-CRNA | January 31 | even years |
| (3)4 Architect | May 31 | even years |
| (4)5 Athlete Agent | September 30 | even years |
| (5)6 Athletic Trainer | May 31 | odd years |
| (6)7 Audiologist | May 31 | odd years |
| (7)8 Barber | September 30 | odd years |
| (8)9 Barber School | September 30 | odd years |
| (9)10 Building Inspector | November 30 | odd years |
| (10)11 Burglar Alarm Security | March 31 | odd years |
| (11)12 C.P.A. Firm | September 30 | even years |
| (12)13 Certified Court Reporter | May 31 | even years |
| (13)14 Certified Dietitian | September 30 | even years |
| (14)15 Certified Medical Language Interpreter | March 31 | odd years |
| (15)16 Certified Nurse Midwife | January 31 | even years |
| (16)17 Certified Public Accountant | September 30 | even years |
| (17) Certified Registered Nurse Anesthetist | January 31 | even years |
| (18) Certified Social Worker | September 30 | even years |
| (19) Chiropractic Physician | May 31 | even years |
| (20) Clinical Mental Health Counselor | September 30 | even years |
| (21) Clinical Social Worker | September 30 | even years |
| (22) Construction Trades Instructor | November 30 | odd years |
| (23) Contractor | November 30 | odd years |
| (24) Controlled Substance License | Attached to primary license renewal | |
| (25) Controlled Substance Precursor | May 31 | odd years |
| (26) Controlled Substance Handler | May 31 September 30 | odd year s |
| (27) Cosmetologist/Barber | September 30 | odd years |
| (28) Cosmetology/Barber School | September 30 | odd years |
| (29) Deception Detection | November 30 | even years |
| (30) Dental Hygienist | May 31 | even years |
| (31) Dentist | May 31 | even years |
| (32) Direct-entry Midwife | September 30 | odd years |
| (33) Electrician | Apprentice, Journeyman, Master, Residential Journeyman, Residential Master | November 30 even years |
| (34) Electrologist | September 30 | odd years |
| (35) Electrology School | September 30 | odd years |
| (36) Elevator Mechanic | November 30 | even years |
| (37) Environmental Health Scientist | May 31 | odd years |

| | | | |
|------|---|--------------|------------|
| (38) | Esthetician | September 30 | odd years |
| (39) | Esthetics School | September 30 | odd years |
| (40) | Factory Built Housing Dealer | September 30 | even years |
| (41) | Funeral Service Director | May 31 | even years |
| (42) | Funeral Service Establishment | May 31 | even years |
| (43) | Genetic Counselor | September 30 | even years |
| (44) | Health Facility Administrator | May 31 | odd years |
| (45) | Hearing Instrument Specialist | September 30 | even years |
| (46) | Internet Facilitator | September 30 | odd years |
| (47) | Landscape Architect | May 31 | even years |
| (48) | Licensed Advanced Substance Use Disorder Counselor | May 31 | odd years |
| (49) | Licensed Practical Nurse | January 31 | even years |
| (50) | Licensed Substance Use Disorder Counselor | May 31 | odd years |
| (51) | Marriage and Family Therapist | September 30 | even years |
| (52) | Massage Apprentice, Therapist | May 31 | odd years |
| (53) | Master Esthetician | September 30 | odd years |
| (54) | Medication Aide Certified | March 31 | odd years |
| (55) | Nail Technologist | September 30 | odd years |
| (56) | Nail Technology School | September 30 | odd years |
| (57) | Naturopath/Naturopathic Physician | May 31 | even years |
| (58) | Occupational Therapist | May 31 | odd years |
| (59) | Occupational Therapy Assistant | May 31 | odd years |
| (60) | Optometrist | September 30 | even years |
| (61) | Osteopathic Physician and Surgeon, Online Prescriber | May 31 | even years |
| (62) | Outfitter/Hunting Guide | May 31 | even years |
| (63) | Pharmacy Class A-B-C-D-E, Online Contract Pharmacy | September 30 | odd years |
| (64) | Pharmacist | September 30 | odd years |
| (65) | Pharmacy Technician | September 30 | odd years |
| (66) | Physical Therapist | May 31 | odd years |
| (67) | Physical Therapist Assistant | May 31 | odd years |
| (68) | Physician Assistant | May 31 | even years |
| (69) | Physician and Surgeon, Online Prescriber | January 31 | even years |
| (70) | Plumber Apprentice, Journeyman, Master, Residential Master, Residential Journeyman | November 30 | even years |
| (71) | Podiatric Physician | September 30 | even years |
| (72) | Pre Need Funeral Arrangement Sales Agent | May 31 | even years |
| (73) | Private Probation Provider | May 31 | odd years |
| (74) | Professional Engineer | March 31 | odd years |
| (75) | Professional Geologist | March 31 | odd years |
| (76) | Professional Land Surveyor | March 31 | odd years |
| (77) | Professional Structural Engineer | March 31 | odd years |
| (78) | Psychologist | September 30 | even years |
| (79) | Radiologic Technologist, Radiology Practical Technician, Radiologist Assistant | May 31 | odd years |
| (80) | Recreational Therapy Therapeutic Recreation Technician, Therapeutic Recreation Specialist, Master Therapeutic Recreation Specialist | May 31 | odd years |
| (81) | Registered Nurse | January 31 | odd years |
| (82) | Respiratory Care Practitioner | September 30 | even years |
| (83) | Security Personnel | November 30 | even years |
| (84) | Social Service Worker | September 30 | even years |
| (85) | Speech-Language Pathologist | May 31 | odd years |
| (86) | Veterinarian | September 30 | even years |
| (87) | Vocational Rehabilitation Counselor | March 31 | odd years |

(2) The following non-standard renewal terms and renewal or extension cycles are established by license classification in accordance with Subsection 58-1-308(1) and in accordance with specific requirements of the license:

(a) Associate Clinical Mental Health Counselor licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(b) Associate Marriage and Family Therapist licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(c) Certified Advanced Substance Use Disorder Counselor licenses shall be issued for a period of four years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(d) Certified Advanced Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(e) Certified Substance Use Disorder Counselor licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(f) Certified Social Worker Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(g) Certified Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed, whichever occurs first.

(h) Dental Educator licenses shall be issued for a two year renewable term, until the date of termination of employment with the dental school as an employee, or until the failure to maintain any of the requirements of Section 58-69-302.5, whichever occurs first.

(i) Funeral Service Apprentice licenses shall be issued for a two year term and may be extended for an additional two year term if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(j) Hearing Instrument Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examination, but a circumstance arose beyond the control of the licensee, to prevent the completion of the examination process.

(k) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory

evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(l) Type I Foreign Trained Physician-Educator licenses will be issued initially for a one-year term and thereafter renewed every two years following issuance.

(m) Type II Foreign Trained Physician-Educator licenses will be issued initially for an annual basis and thereafter renewed annually up to four times following issuance if the licensee continues to satisfy the requirements described in Subsection 58-67-302.7(3) and completes the required continuing education requirements established under Section 58-67-303.

R156-1-502. Administrative Penalties.

(1) In accordance with Subsection 58-1-401(5) and Section 58-1-502, except as otherwise provided by a specific chapter under Title R156, the following fine schedule shall apply to citations issued under the referenced authority:

TABLE

FINE SCHEDULE

FIRST OFFENSE

| Violation | Fine |
|----------------|-----------------|
| 58-1-501(1)(a) | \$ 500.00 |
| 58-1-501(1)(c) | \$ 800.00 |
| 58-1-501(1)(o) | \$ 0 - \$250.00 |

SECOND OFFENSE

| | |
|----------------|---------------------|
| 58-1-501(1)(a) | \$1,000.00 |
| 58-1-501(1)(c) | \$1,600.00 |
| 58-1-501(1)(o) | \$251.00 - \$500.00 |

THIRD OFFENSE

Double the amount for a second offense with a maximum amount not to exceed the maximum fine allowed under Subsection 58-1-502(2)(j)(iii).

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.

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

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

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

KEY: diversion programs, licensing, supervision, evidentiary restrictions

Date of Enactment or Last Substantive Amendment: [March 11, 2013]

Notice of Continuation: January 5, 2012

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(2)

**Commerce, Occupational and Professional Licensing
R156-56-403
Factory Built Housing Dispute Resolution Program**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37753

FILED: 06/20/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 51 which was passed during the 2013 Legislative General Session deleted the requirement to have a dispute resolution program for factory built housing. This requirement was originally put into statute to enable the Division to perform this duty as part of its acting as a United States Department of Housing and Urban Development (HUD) approved state administrative agency. HUD does not require this duty to be performed by the state administrative agency, so the Legislature decided to eliminate this requirement. While this duty was eliminated from statute, it will have little if any affect on Division investigations. The Division will still investigate allegations of unprofessional or unlawful conduct by factory built housing dealers as the result of the licensing provisions that are not being changed and remain in effect.

SUMMARY OF THE RULE OR CHANGE: Section R156-56-403 with respect to a factory built housing dispute resolution program is deleted in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The proposed amendment will not affect the state budget. The deletion of this section will also have little, if any, affect on Division investigations with respect to factory built housing dealers.

◆ LOCAL GOVERNMENTS: The proposed amendment to delete the section only applies to factory built housing dealers and persons who want to file a complaint against a licensed factory built housing dealer. As a result, the proposed amendment does not apply to local governments.

♦ **SMALL BUSINESSES:** The proposed amendment only applies to licensed factory built housing dealers, which may qualify as a small business, and persons who want to file a complaint against a licensed factory built housing dealer. While the proposed amendment eliminates the formal requirement to have a dispute resolution program to protect factory built housing homeowners, the proposed amendment will have little, if any, affect on the homeowners or the dealers. Factory built housing dealers who engage in unlawful or unprofessional conduct affecting homeowners will still be investigated by the Division and disciplined if necessary. In addition, factory built housing dealers are required to post a \$50,000 license bond as a condition of licensure. Therefore, the homeowners are still protected by the coverage of these bonds.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment only applies to licensed factory built housing dealers, which may qualify as a small business, and persons who want to file a complaint against a licensed factory built housing dealer. While the proposed amendment eliminates the formal requirement to have a dispute resolution program to protect factory built housing homeowners, the proposed amendment will have little, if any, affect on the homeowners or the dealers. Factory built housing dealers who engage in unlawful or unprofessional conduct affecting homeowners will still be investigated by the Division and disciplined if necessary. In addition, factory built housing dealers are required to post a \$50,000 license bond as a condition of licensure. Therefore, the homeowners are still protected by the coverage of these bonds.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment will have little, if any, affect on factory built housing dealers. They are still required to comply with licensing statutes and rules and if they engage in unprofessional conduct, they will be still subject to disciplinary action by the Division.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, the proposed amendment responds to statutory changes made during the 2013 General Session (H.B. 51). No fiscal impact to businesses is anticipated beyond those contemplated by the Legislature in determining to pass the bill.

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 08/14/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 07/29/2013 11:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-56. Building Inspector and Factory Built Housing Licensing Act Rule.**

~~[R156-56-403. Factory Built Housing Dispute Resolution Program.~~

~~_____ (1) In accordance with Subsection 15A-1-306(1)(f)(i), the dispute resolution program is defined and clarified as follows:~~

~~_____ (a) Persons with manufactured housing disputes may file a complaint with the Division.~~

~~_____ (b) The Division shall investigate such complaints and as part of its investigation may take any of the following actions:~~

~~_____ (i) Negotiate an informal resolution with the parties involved.~~

~~_____ (ii) Take any informal or formal action allowed by any applicable statute, including but not limited to:~~

~~_____ (A) pursuing disciplinary proceedings under Section 58-1-401;~~

~~_____ (B) assessing civil penalties under Subsection 15A-1-306(2); and~~

~~_____ (C) referring matters to appropriate criminal prosecuting agencies and cooperating or assisting with the investigation and prosecution of cases by such agencies.~~

~~_____ (e) In addition, persons with manufactured housing disputes may pursue a civil remedy.~~

KEY: factory built housing, [contractors,] building inspections, licensing, building inspectors

Date of Enactment or Last Substantive Amendment: [September 12, 2011] 2013

Notice of Continuation: January 31, 2012

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1

**Commerce, Real Estate
R162-2g
Real Estate Appraiser Licensing and
Certification Administrative Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37750

FILED: 06/17/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update and refine the requirements for school, course, and instructor certification, as well as the associated standards of conduct.

SUMMARY OF THE RULE OR CHANGE: The changes: clarify the information that a school must provide to obtain certification; require a school to provide the students with a criminal history disclosure statement; specify the time frame that a prelicense course must be submitted to the division for certification before teaching the course; require prelicense course providers to upload information with the division after a course is completed; eliminate the requirement for a prelicense instructor to pass an examination; increase the time frame during which a prelicense instructor may reinstate an expired instructor certification; conform the certified prelicense instructor reporting requirements to the statutory standards in Subsection 61-2g-306(3); and add new school affirmative duties and prohibited conduct.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2g-201(2)(h) and Subsection 61-2g-307(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This filing does not create any new programs that the Division will be required to implement. The Division already has the staff and budget necessary to review applications for school, course, and instructor certification, and the proposed amendments will not increase the costs of this review. Therefore, no fiscal impact to the state budget is anticipated.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the rules governing the appraisal industry. Therefore, no fiscal impact to local government will result from this filing.

◆ **SMALL BUSINESSES:** Schools and instructors will have little or no cost in supplying additional information as part of the course certification because the information is readily available and the criminal history disclosure statement requirement can be met by creating a simple form. Prelicense course providers may incur minor costs in having to upload course completion information with the division.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Schools and instructors will have little or no cost in supplying additional information as part of the course certification because the information is readily available and the criminal history disclosure statement requirement can be met by creating a simple form. Prelicense course providers may incur minor costs in having to upload course completion information with the division.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Schools and instructors will have little or no cost in supplying additional information as part of the course certification because the information is readily available and the criminal history disclosure statement requirement can be met by creating a simple form. Prelicense course providers may incur minor costs in having to upload course completion information with the division.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, businesses that provide appraiser prelicensing education might experience minimal costs if they find it necessary to adjust their internal operations in order to upload to the Division course completion information. There is no fee associated with the upload itself. Most education providers are already completing course uploads for continuing education courses; these providers should not incur any new costs.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.**R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules.****R162-2g-102. Definitions.**

- (1) "Affiliation" means an ongoing business association:
- (a) between:
 - (i) two individuals registered, licensed, or certified under Section 61-2g; or
 - (ii) an individual registered, licensed, or certified under Section 61-2g and:
 - (A) an appraisal entity; or
 - (B) a government agency;
 - (b) for the purpose of providing an appraisal service; and
 - (c) regardless of whether an employment relationship exists between the parties.
- (2) The acronym "AQB" stands for the Appraiser Qualifications Board of the Appraisal Foundation.

(3) "Board" means the Utah Real Estate Appraiser Licensing and Certification Board.

(4) "Business day" means a day other than:

- (a) a Saturday;
- (b) a Sunday; or
- (c) a federal or state holiday.

(5) "Classification" means the type of license or certification held by an appraiser.

(6) "Day" means calendar day unless specified as "business day."

(7) "Desk review" means review of an appraisal:

- (a) including verification of the data; but
- (b) not including a physical inspection of the property.

(8) "Distance education" means an education process based on the geographical separation of student and instructor, including:

- (a) computer conferencing;
- (b) satellite teleconferencing;
- (c) interactive audio;
- (d) interactive computer software;
- (e) Internet-based instruction; and
- (f) other interactive online courses.

(9) "Division" means the Division of Real Estate of the Department of Commerce.

(10) "Draft report" means an appraisal report that is distributed prior to being completed, as provided in Subsection R162-2g-502b(1).

(11) "Entity" means:

- (a) a corporation;
- (b) a partnership;
- (c) a sole proprietorship;
- (d) a limited liability company;
- (e) another business entity; or
- (f) a subsidiary or unit of an entity described in this Subsection (11).

(12) "Field review" means review of an appraisal, including:

- (a) a physical inspection of the property; and
- (b) verification of the data.

(13) "Non-certified education" means a continuing education course offered outside of Utah, but for which a licensee may apply for credit pursuant to R162-2g-307c(4).

~~(14)(13)~~ "Person" means an individual or an entity.

~~(15)(14)~~ "Reinstatement" means renewing a license or certification for an additional period after its expiration date has passed, but prior to 12 months after the expiration date.

~~(16)(15)~~ The acronym "RELMS" stands for Real Estate Licensing and Management System, which is the online database through which individuals registered, licensed, or certified under these rules must submit certain information to the division.

~~(17)(16)~~ "Renewal" means reissuing a license or certification upon its expiration for an additional period.

~~(18)(17)~~ "School" means:

- (a) an accredited college, university, junior college, or community college;
- (b) any state or federal agency or commission;
- (c) a nationally recognized real estate appraisal or real estate related organization, society, institute, or association; or
- (d) any school or organization approved by the board.

~~(19)(18)~~ "School director" means an authorized individual in charge of the educational program at a school.

~~(20)(19)~~ "Trainee" means a person who is working under the direct supervision of a state-certified residential appraiser or a state-certified general appraiser to earn experience hours for licensure, and who meets the requirements of Subsection R162-2g-302.

~~(21)(20)~~ "Transaction value" means:

(a) for loans or other extensions of credit, the amount of the loan or extension of credit;

(b) for sales, leases, purchases, and investments in, or exchanges of, real property, the market value of the real property interest involved; and

(c) for the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

~~(22)(21)~~ The acronym "USPAP" stands for the current edition of the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation.

R162-2g-307a. School Certification.

(1) Application. A school requesting certification shall:

(a) submit an application form as prescribed by the division, including:

(i) name, telephone number, email address, and address of:

- (A) the school;
- (B) the school director; and
- (C) all owners of the school; and

(ii) as to each school director or owner, disclosure of criminal history and adverse regulatory actions;

(b) provide a description of:

- (i) the type of school; and
- (ii) the school's physical facilities; ~~and~~
- (c) provide a statement outlining the:

~~(i) days, times and locations of classes;~~
] ~~(i)(i)~~ number of quizzes and examinations in each course offered;

~~(ii)(i)~~ grading system, including methods of testing and standards of grading;

~~(iii)(v)~~ requirements for attendance; and

~~(iv)~~ school's refund policy.

(2) Standards for operation.

(a) All courses shall be taught in an appropriate classroom facility and not in a private residence, except for a course approved for distance education.

(b) A school shall teach the approved course of study as outlined in the state-approved outline.

(c) At the time of registration, a school shall provide to each student:

(i) the statement described in this Subsection (1)(c); ~~and~~

(ii) a copy of the qualifying questionnaire that the student will be required by the division to answer as part of the pre-licensing or precertification examination ~~[-]; and~~

(iii) a criminal history disclosure statement.

~~(d)~~ A school shall require each student to attend 100% of the scheduled class time in order to earn credit for the course.

~~(e)(i)~~ A school may not award credit to any student who fails the final examination.

- (ii) A student who fails a school final examination must wait three days before retesting and may not retake the same final examination.
- (iii) A student who fails a final examination a second time must wait two weeks before retesting and may not retake either exam that the student previously failed.
- (iv) A student who fails a final exam a third time shall fail the course.
- (f) A school may not allow a student to challenge a course or any part of a course by taking an exam in lieu of attendance.
- (g) Credit hours.
- (i) For a course that is taught outside of a college or university setting, one credit hour may be awarded for 50 minutes of instruction within a 60-minute period, allowing for a ten-minute break.
- (ii) For a course that is taught in a college or university setting:
 - (A) one quarter hour is equivalent to 10 credit hours; and
 - (B) one semester hour is equivalent to 15 credit hours.
- (iii) A school may not award more than eight credit hours per day per student.
- (3) A school shall report to the division within 10 calendar days of:
 - (a) any change in the information provided pursuant to this Subsection (1)(a)(i); and
 - (b) a school director or owner being convicted, or entering a plea in abeyance or diversion agreement, as to a criminal offense, excluding class C misdemeanors.
- (4)(a) A school certification is valid for two years from the date of issuance.
 - (b) To renew a school certification, an individual shall, prior to the date of expiration:
 - (i) submit a properly completed application as provided by the division; and
 - (ii) pay a nonrefundable applicable fee.

R162-2g-307b. Pre-licensing Course Certification.

- (1) To certify a pre-licensing course, an applicant shall, at least 30 days prior to the course being taught, submit a completed application as required by the division, including:
 - ~~(a) submit a completed application form as prescribed by the division;~~
 - (a) [~~(b) provide~~] a course outline, including:
 - (i) a description of the course;
 - (ii) the length of time to be spent on each subject area, broken into segments of no more than 30 minutes each; and
 - (iii) three to five learning objectives for every three hours;
 - (b) [~~(e) describe~~] a description of any method of instruction that will be used other than lecture method, including:
 - (i) webinar;
 - (ii) satellite broadcast; or
 - (iii) other form of distance education;
 - (c) [~~(d) provide~~] copies of at least three final examinations administered in the course and the answer keys that will be used to determine if a student passes the course;
 - (d) [~~(e) explain~~] the school procedure for maintaining the security of the final exams and answer keys;
 - (e) [~~(f) list~~] the titles, authors, and publishers of all required textbooks;

- ~~(f) [~~(e)~~](i) [~~list~~] the instructor(s) who will teach each class;~~
- and
 - (ii) ~~[provide]~~ evidence that each instructor is:
 - (A) certified by the division;
 - (B) qualified to serve as a guest lecturer; or
 - (C) a college or university faculty member who has academic training or appraisal experience satisfactory to the division and the board;
- ~~[_____ (h) list the days, times, and location of classes; and]~~
- (g) [~~(i) pay~~] a nonrefundable applicable fee[-]; and
- (h) a signed statement agreeing that the course provider will, within 10 business days of completing the class, upload to the division the following information:
 - (i) course name;
 - (ii) course certificate number assigned by the division;
 - (iii) date the course was taught;
 - (iv) number of credit hours; and
 - (v) name and license number of each student receiving education credit.
- (2) Standards for approval of traditional classroom courses. Each course shall:
 - (a) meet the minimum standards set forth in the state-approved course outline governing the course, including minimum hourly requirements;
 - (b) be approved through the AQB course approval program;
 - (c) allow a maximum of 10% of the required class time for testing, including review test and final examination;
 - (d) use texts, workbooks, supplement pamphlets, and other materials that are appropriate and current in their application to the required course outline.
- (3) Standards for approval of distance education
 - (a) A distance education course shall:
 - (i) comply with this Subsection (2);
 - (ii) provide interaction between the student and instructor;
 - (iii) include a written examination personally proctored by an official approved by the presenting entity;
 - (iv) meet the course delivery requirements established by the AQB and the International Distance Education Certification Center; and
 - (v) offer at least 15 credit hours.
 - (b) A distance education course offered by a college or university may be deemed acceptable to meet the credit hour requirement if the course content is approved by:
 - (i) the AQB;
 - (ii) a state licensing jurisdiction; or
 - (iii) a college or university that:
 - (A) offers distance education programs in other disciplines; and
 - (B) is approved or accredited by:
 - (I) the Commission on Colleges;
 - (II) a regional or national accreditation association; or
 - (III) an accrediting agency that is recognized by the United States Secretary of Education.
 - (4) Within 10 business days after the occurrence of any material change in a course that could affect approval, the school shall give the division written notice of the change.
 - (5) A course certification is valid for no more than 24 months.

(6) Credit for non-certified pre-licensing education.

(a) Division certification is not required for a pre-licensing course that is offered by a school, as defined in Subsection R162-2g-102(17) as long as:

(i) the course content:

(A) meets the minimum standards set forth in the Utah state-approved course outline; and

(B) is approved by the AQB course approval program;

(ii) the course provides at least 15 credit hours, including examination(s);

(iii) a closed-book, closed-note final examination is administered at the end of each course;

(iv) students are not allowed to earn credit from the course provider by challenge examination without first attending the course;

(v) credit is not awarded for duplicate or highly comparable classes;

(vi) where multiple classes are offered, they represent a progression in a student's knowledge; and

(vii) in order to receive credit, a student is required to:

(A) attend 100% of the scheduled class hours;

(B) complete all required exercises and assignments; and

(C) pass the course final examination.

(b) Hourly credit for a course taken from a professional appraisal organization shall be granted according to the division approved list.

(c) An applicant who wishes to be awarded credit for non-certified pre-licensing education shall:

(i) provide to the division a list of the cours(es) taken, including:

(A) course title(s);

(B) name(s) of the sponsoring organization(s);

(C) number of classroom hours completed;

(D) date(s) of course completion; and

(E) evidence that the cours(es) meet the requirements of:

(I) the AQB; and

(II) if distance education, the International Distance Education Certification Center;

(ii) request review of the course by the division and board;

(iii) establish that the criteria outlined in this Subsection (6)

(a) are met;

(iv) attest on a notarized affidavit that the courses have been completed as documented; and

(v) if requested by the division, provide proof of completion of the courses in the form of certificates, transcripts, report cards, letters of verification, or similar proof.

R162-2g-307d. Instructor Certification for Pre-licensing Education.

(1) To certify as a pre-licensing education instructor, an individual shall:

(a) evidence that the applicant meets the character and competency requirements outlined in Subsection R162-2g-302(2)-(3);

(b) submit a completed application as provided by the division;

(c) demonstrate knowledge of the subject matter to be taught as evidenced by:

(i) a minimum of five years active experience in appraising;

(ii) college or other appropriate courses specific to the topic proposed to be taught; or

(iii) other experience, education, or credentials acceptable to the board;

~~[(d) evidence having passed an examination designed to test knowledge of the subject matter proposed to be taught;~~

~~]~~ ~~(d)[(e)]~~ if the individual proposes to teach a course in USPAP, evidence that the individual is an AQB-certified USPAP instructor; and

~~(e)[(f)]~~ pay a nonrefundable application fee.

(2) A pre-licensing instructor certification is valid for 24 months from the date of issuance.

(3) To renew a pre-licensing instructor certification, an individual shall:

(a) submit a completed application, as provided by the division;

(b) evidence having taught at least 20 hours of in-class instruction in certified course(s) during the preceding term of certification;

(c) evidence having attended a real estate instructor development workshop sponsored or approved by the division during the preceding two years; and

(d) pay a nonrefundable application fee.

(4)(a) To reinstate an expired pre-licensing instructor certification within 30 days following the expiration date, an individual shall:

(i) comply with this Subsection (3); and

(ii) pay a nonrefundable late fee.

(b) To reinstate an expired pre-licensing instructor certification after 30 days and within ~~six~~~~[three]~~ months following the expiration date, an individual shall:

(i) comply with this Subsection (3);

(ii) pay a nonrefundable reinstatement fee; and

(iii) submit proof of having completed six classroom hours of education related to real estate appraisal or teaching techniques.

(c) After a pre-licensing instructor certification has been expired for ~~six~~~~[three]~~ months, an individual is required to apply as an original applicant and obtain a new certification.

(5) A certified instructor shall comply with the reporting requirements of Section 61-2g-306(3).~~[inform the division within 10 calendar days of:]~~

~~[(a) being convicted for a criminal offense, with the exception of a class C misdemeanor; or~~

~~(b) entering a plea in abeyance, diversion agreement, or other agreement that holds a criminal charge in suspense, except as to a class C misdemeanor.~~

]

R162-2g-502a. Standards of Conduct and Practice.

(1) Affirmative duties in general. A person registered, licensed, or certified by the division shall:

(a) if employing an unlicensed assistant who is not registered as a trainee pursuant to Subsection R162-2g-302:

(i) actively supervise the unlicensed assistant; and

(ii) ensure that the assistant performs only clerical duties, including:

(A) typing research notes or reports completed by a trainee or an appraiser;

(B) taking photographs of properties; and

(C) obtaining copies of public records;

(b)(i) except as provided in this Subsection (2)(a), comply with the current edition of USPAP; and

(ii) observe the advisory opinions of USPAP;

(c) in order to authorize another individual to sign an appraisal report on behalf of the individual who completes the report:

(i) grant authority to the signer in writing;

(ii) limit the signing authority to a specific property address;

(iii) explicitly disclose within the appraisal report that the signer is authorized by the appraiser to sign the report on the appraiser's behalf;

(iv) attach a copy of the written permission required pursuant to this Subsection (1)(c)(i) to the report; and

(v) ensure that the signer signs the appraiser's name, followed by the word "by," and then followed by the signer's own name;

(d) if using a digital signature in place of a handwritten signature, ensure that:

(i) the software program that generates the digital signature has a security feature; and

(ii) no one other than the appraiser has control of the signature;

(e) retain a photocopy or other exact copy of each report as it is provided to the client, including the appraiser's signature;

(f) analyze and report the sales and listing history of the subject property for the three years preceding the appraisal if such information is available to the appraiser from a multiple listing service, listing agent(s), property owner, or other verifiable source(s);

(g)(i) include in each appraisal report a statement indicating whether or not the subject property was inspected as part of the appraisal process; and

(ii) if any inspections were done, include the following information concerning each inspection:

(A) the names of all appraisers and trainees who participated in the inspection;

(B) whether the inspection was an exterior inspection only or both an exterior and an interior inspection; and

(C) the date that the inspection was performed; and

(h) unless Subsection (2)(b) applies, respond within ten business days to division notification:

(i) of a complaint against the individual; or

(ii) that information is needed from the individual.

(2) Exceptions.

(a) An individual is exempt from complying with all provisions of USPAP when acting in an official capacity as:

(i) a division staff member or employee;

(ii) a member of the experience review committee as appointed and approved by the board;

(iii) a member of the technical review panel as appointed and approved by the board;

(iv) a hearing officer;

(v) a member of a county board of equalization;

(vi) an administrative law judge;

(vii) a member of the Utah State Tax Commission; or

(viii) a member of the board.

(b) If a deadline for response under this Subsection (1)(h) falls on a day when the division is closed, the deadline shall be extended to the next business day.

(3) A trainee shall:

(a) using forms provided by the division, maintain a separate log of experience hours for each supervising appraiser with whom the trainee works; and

(b) include in each log the following information for each appraisal:

(i) file number;

(ii) report date;

(iii) subject address;

(iv) client name;

(v) type of property;

(vi) report form number or type;

(vii) number of work hours;

(viii) description of work performed by the trainee; and

(ix) scope of the review and supervision of the supervising appraiser.

(4) A supervising appraiser shall:

(a) delegate to a trainee only such duties as the trainee is authorized to perform under Subsection R162-2g-311(1);

(b) directly train and supervise the trainee in the performance of assigned duties by:

(i) critically observing and directing all aspects of the appraisal process; and

(ii) accepting full responsibility for the appraisal and the contents of the appraisal report;

(c) personally inspect:

(i) each property that is appraised with a trainee until the trainee has performed:

(A) 100 residential inspections as provided in Subsection R162-2g-311(1)(b)(i); and

(B) 20 non-residential inspections as provided in Subsection R162-2g-311(1)(b)(ii); and

(ii) any property for which the appraisal report scope of work or certification requires appraiser inspection.

(5) A school shall:

(a) maintain a record of each student's attendance for a minimum of five years after the student enrolls;

(b) display the certification number of all continuing education courses in advertising and marketing;

(c) as to each student who provides the school with an accurate name or license number, bank course completion information:

(i) within 10 days after the end of a course offering; and

(ii) to the database specified by the division; ~~and~~

(d) upon request of the division, substantiate any claim made in advertising or marketing~~[-]~~;

(e) within 15 calendar days of any material change in the information outlined in R162-2g-307a(1), provide to the division written notice of the change;

(f) with regard to the criminal history disclosure required under R162-2g-307a(2)(c)(iii):

(i) obtain each student's signature before allowing the student to participate in course instruction;

(ii) retain each signed criminal history disclosure for a minimum of two years; and

(iii) make any signed criminal history disclosure available to the division upon request;

(g) maintain a high quality of instruction;

(h) adhere to all state laws and administrative rules regarding school and instructor certification;

(i) provide the instructor(s) for each course with the required course content outline;

(j) require instructors to adhere to the approved course content;

(k) comply with a division request for information within 10 business days of the date of the request; and

(l) verify that the material is current in any course taught on:

(i) Utah statutes;

(ii) Utah administrative rules;

(iii) Federal laws; and

(iv) Federal regulations.

(6) An instructor shall adhere to the approved outline for any course taught.

R162-2g-502b. Prohibited Conduct.

(1) An individual registered, licensed, or certified by the division may not:

(a) release to a client a draft report of a one- to four-unit residential real property;

(b) release to a client a draft report of a property other than a one- to four-unit residential real property unless:

(i) the first page of the report prominently identifies the report as a draft;

(ii) the draft report is signed by the appraiser; and

(iii) the appraiser complies with USPAP in the preparation of the draft report;

(c) affix a signature to an appraisal report by means of a signature stamp; or

(d) sign a blank or partially completed appraisal report that will be completed by anyone other than the appraiser who has signed the report;

(e) sign an appraisal report containing a statement indicating that an appraiser has inspected a property if the appraiser has not inspected the property; or

(f) split appraisal fees with any person who is not a state-licensed or state-certified appraiser, except that a supervising appraiser may pay a trainee reasonable compensation proportionate to the lawful services actually performed by the trainee in connection with appraisals.

(2) A trainee may not:

(a) solicit a client to address an engagement letter directly to the trainee; or

(b) accept payment for appraisal services from anyone other than:

(i) the trainee's supervisor; or

(ii) an appraisal or government entity with which the trainee is affiliated.

(3) A supervising appraiser may not:

(a) sign a report that is completed in response to an engagement letter that is addressed to a trainee;

(b) supervise more than three trainees at one time; or

(c) sign an appraisal report as the supervising appraiser without having given adequate supervision to the trainee, appraiser, or assistant being supervised.

(4) A state-licensed appraiser may not place a seal on an appraisal report or use a seal in any other manner likely to create the impression that the appraiser is a state-certified appraiser.

(5) A school may not:

(a) in advertising and marketing:

(i) make a misrepresentation about any course of instruction;

(ii) make statements or implications that disparage the dignity and integrity of the appraisal profession;

(iii) disparage a competitor's services or methods of operation;

(iv) as to a continuing education course, use language that indicates division approval is pending or otherwise forthcoming; [ø]

(b) attempt by any means to obtain or use the questions on the state licensure or certification exam unless those questions have been dropped from the current exam bank;[-]

(c) accept payment from a student without first providing to that student the information outlined in R162-2g-307a(2)(c);

(d) continue to operate after the expiration date of the school certification without renewing;

(e) continue to offer a course after its expiration date without renewing;

(f) allow an instructor whose instructor certification has expired to continue teaching;

(g) allow an individual student to earn more than eight credit hours of education in a single day;

(h) award credit to a student who has not complied with the minimum attendance requirements;

(i) allow a student to obtain credit for all or part of a course by taking an examination in lieu of attending the course;

(j) give valuable consideration to a person licensed with or certified by the division under Section 61-2g for referring students to the school;

(k) accept valuable consideration from a person licensed with or certified by the division under Section 61-2g for referring students to a licensed or certified appraiser; or

(l) require a student to attend any program organized for the purpose of solicitation.

(6) An instructor may not:

(a) continue to teach any course after the course has expired and without renewing the course certification; or

(b) continue to teach any course after the individual's certification has expired and without renewing the instructor certification.

KEY: real estate appraisals, [~~trainee registration, licensing and~~], school certification, [~~administrative procedures~~]-instructor certification

Date of Enactment or Last Substantive Amendment: [January 2,-] 2013

Authorizing, and Implemented or Interpreted Law: 61-2g-201(2)(h); 61-2g-202(1); 61-2g-205(5)(c); 61-2g-307(3); 61-2g-401(5)

Education, Administration
R277-713
Concurrent Enrollment of High School
Students in College Courses

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37808

FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-713 is amended to reflect S.B. 162, passed in the 2013 General Legislative Session, modifications related to charging partial tuition for concurrent enrollment courses. S.B. 162 (2013) allows an institution of higher education to charge a student partial tuition for technology-intensive concurrent enrollment courses and gateway career and technology education courses.

SUMMARY OF THE RULE OR CHANGE: Language is added that allows a student to pay a reduced partial tuition rate for each subsequent concurrent enrollment course the student takes after the student pays the partial tuition for the first concurrent enrollment courses, and allows the waiver of partial tuition when a student elects not to receive higher education credit.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-120.5 and Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(c)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no anticipated costs or savings to the state budget. The State Legislature appropriates funds for concurrent enrollment. The appropriation does not depend on the number of students in the class or the fees or partial fees that they pay.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Local education agencies will support concurrent enrollment based on the legislative appropriation.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. This rule and the amendments to the rule apply to public education and do not affect businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The new law and the amended rule allow for fees--minimally different than in the past--to be charged to students. Costs or savings in this first year are speculative.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Funding is provided for students enrolled in concurrent enrollment courses.

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 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

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

R277. Education, Administration.**R277-713. Concurrent Enrollment of High School Students in College Courses.****R277-713-1. Definitions.**

A. "Adjunct/Concurrent faculty" means instructors approved by the cooperating USHE institution and approved by [~~school district or charter school~~]LEAs (as defined in R277-713-1F) receiving concurrent enrollment services from the instructor to teach concurrent enrollment classes on behalf of the USHE institution.

B. "Annual Concurrent Enrollment Contract" means a written plan, negotiated by an [~~school district~~]LEA and a USHE institution, to provide college level courses to high school students.

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

D. "Concurrent enrollment" for state funding and for the purposes of this rule means enrollment by public school students in one or more USHE institution course(s) under a contractual agreement between the USHE institution and an [~~school district/public school~~]LEA. Students continue to be enrolled in public schools, counted in [A]average [D]daily [M]membership, and receive credit toward graduation. They also receive college credit for courses.

E. "Fees" for purposes of concurrent enrollment and this rule mean expenses to students directly related to enrollment and tuition. Fees do not include reasonable lab costs, expenses for textbooks and consumable curriculum materials that are required only for USHE credit or grades.

F. "LEA" means a local education agency which includes school boards/public school districts and charter schools.

[F]G. "Technology-intensive concurrent enrollment courses (TICE)," means designed hybrid courses, having a blend of different learning activities available both in classrooms and online, or courses delivered exclusively online.

[G]H. "USHE" means the Utah System of Higher Education.

[H]I. "USOE" means the Utah State Office of Education.

R277-713-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which provides for the State Board to have general supervision and control over public schools and by Section 53A-17a-120.5 which directs the Board to adopt rules providing that a school participating in the concurrent enrollment programs offered under Section 53A-15-101 shall receive an allocation from the monies as provided in Section 53A-15-101, Section 53A-1-402(1) (c) which directs the Board to adopt minimum standards for curriculum, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of concurrent enrollment is to provide a challenging college-level and productive secondary school experience, particularly in the senior year, and to provide transition courses that can be applied to post-secondary education.

C. The purpose of this rule is to specify the standards and procedures for concurrent enrollment courses and criteria for funding appropriate concurrent enrollment expenditures.

R277-713-3. Student Eligibility.

A. [Schools]LEAs and USHE institutions shall jointly establish student eligibility requirements which shall be sufficiently selective to predict a successful experience for students.

B. [Local schools]LEAs have the primary responsibility for identifying students who are eligible to participate in concurrent enrollment classes.

C. To ensure that a student is prepared for college level work, an appropriate assessment shall be administered to the student prior to participation in all concurrent mathematics and English courses, and to determine that the student meets prerequisites previously established for the same campus-based course by the sponsoring USHE institutions.

D. Each student participating in the concurrent enrollment program shall have a current student education/occupation plan (SEOP) on file at the participating school, as required under Section 53A-1a-106(2)(b).

E. [Schools]LEAs and USHE institutions shall jointly coordinate advice and information provided to a prospective or current high school student who participates in the concurrent enrollment program consistent with Section 53A-15-101. Advising shall include providing information on general education requirements at [higher education]USHE institutions and assisting students or parents to efficiently choose concurrent enrollment courses to avoid duplication and excess credit hours.

R277-713-4. Courses and Student Participation.

A. Concurrent enrollment allows students the option to complete high school graduation requirements and prepares students to meet college admission requirements at the conclusion of the eleventh grade, but does not preclude a student involved in accelerated learning programs from graduating by the eleventh grade.

[A]B. [The awarding of]USHE institutions have the responsibility to determine the USHE institution credit for concurrent enrollment courses, [is the province of colleges and universities governed by]consistent with USHE policies.

C. College-level courses taught in the high school have the same credit hour value as when taught on a college campus; they apply toward graduation on the same basis as courses taught at a USHE institution to which the credits are submitted.

[B]D. Concurrent enrollment offerings shall be limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career technical programs to allow a focus of energy and resources on quality instruction in these courses. There may be a variety of courses in the career technical education area. Concurrent Enrollment courses should assist students toward post-secondary degrees.

E(1) TICE concurrent enrollment courses are designed as hybrid courses, having a blend of different learning activities available both in classrooms and online, they may be delivered exclusively online.

[E](2) TICE courses shall facilitate articulation, transfer of credit, and, when possible, use open source materials available to all USHE institutions in order to reduce costs.

[D]E. All concurrent enrollment courses shall be approved or orchestrated by the high school or the USOE and shall provide for waiver of fees to eligible students.

[E]G. [Only courses taken from a master list maintained by the Curriculum]The USOE Teaching and Learning Section [at the USOE shall be reimbursed from state concurrent enrollment funds]shall reimburse LEAs only for courses on the USOE master list.

[F]H. The Board of Regents, after consultation with [school districts/charter schools]LEAs, shall provide the USOE with proposed new course offerings, including syllabi and curriculum materials by November 30 of the year preceding the school year in which courses shall be offered.

[G]I. Concurrent enrollment funding shall be provided only for 1000 or 2000 level courses unless a student's SEOP identifies a student's readiness and preparation for a higher level course. This exception shall be individually approved by the student's counselor and [school district or charter school]the LEA's concurrent enrollment administrator. Concurrent enrollment funding [is not intended for]shall not fund unilateral parent/student initiated college attendance or course-taking.

[H]J. Concurrent enrollment course offerings shall reflect the strengths and resources of the respective schools and USHE institutions and be based upon student needs. The number of courses selected shall be kept small enough to ensure coordinated statewide development and [training]professional development activities for participating teachers.

[F]K. Appropriate USHE institutions shall take responsibility for [E]course content, procedures, examinations, teaching materials, and program monitoring [shall be the responsibility of the appropriate USHE institution,]and all procedures and materials shall be consistent with Utah law, and shall ensure quality and comparability with courses offered on the college or university campus.

[J]L. Participation in concurrent enrollment generates higher education credit that becomes a part of a student's permanent college transcript.

[K]M. [Schools]LEAs and USHE institutions shall jointly align information technology systems with all individual student academic achievement so that student information will be tracked

through both education systems [~~in accordance~~]consistent with Section 53A-1-603.5.

R277-713-5. Program Delivery.

A. [~~Schools within the~~]USHE institutions that grant higher education/college credit may participate in the concurrent enrollment program, provided that such participation shall be consistent with the law and consistent with Board rules specific to the use of public education funds and rules for public education programs.

B. Concurrent enrollment courses, with exception of courses delivered through technology, may be offered to high school students only by USHE institutions in the corresponding geographic service region, as determined by the State Board of Regents.

C.(1) An [~~local school board or charter school governing board~~]LEA [~~shall~~]may contact the USHE institution in the corresponding geographical service region to provide concurrent enrollment courses, and the higher education institution shall respond to the request within 60 days after the day on which the [~~local school board or charter school~~]LEA contacts the institution on whether the institution will offer the requested courses.

(2) If the USHE institution in the corresponding service region denies the request for concurrent enrollment courses, another USHE institution may offer the concurrent enrollment course(s).

(3) Courses delivered [~~exclusively~~] through technology are not subject to the corresponding geographic service region requirement.

D. Concurrent enrollment courses shall be offered at the most appropriate location using the most appropriate methods for the course content, the faculty, and the students involved.

E. [~~The delivery system and~~]Concurrent enrollment curriculum may be provided through live classroom instruction or telecommunications. The concurrent enrollment program shall be designed and implemented to take full advantage of the most current available educational technology.

F. LEAs shall not be reimbursed for concurrent enrollment [~~C~~]courses taken by students who have received a diploma, whose class has graduated or who have participated in graduation exercises [~~are not eligible for concurrent enrollment funding~~]. Senior students shall complete reimbursable concurrent enrollment courses prior to their graduation or participation in graduation exercises.

G. Concurrent enrollment is intended primarily for students in their last two years of high school.

(1) Concurrent enrollment offerings may not include high school courses that are typically offered in grades 9 or 10.

(2) The Early College High School Program, specifically initiated to encourage students to earn college credit beginning in the ninth grade leading to a college diploma earned concurrently with a high school diploma, may enroll student Program participants in grades 9 and 10 in concurrent enrollment courses.

H. [~~State reimbursement to school districts for concurrent enrollment courses may not exceed 30 semester hours per student per year.~~]The Board and State Board of Regents shall cooperate closely in developing, implementing and evaluating this program.

I. [~~Public schools/school districts~~]LEAs shall use USOE designated 11-digit course codes for concurrent enrollment courses.

R277-713-6. Student Tuition, Fees and Credit for Concurrent Enrollment Programs.

A. Secondary students may be assessed a one-time per institution admissions [~~application~~] fee required for full-time or part-time students in concurrent enrollment courses. No additional application fee may be charged.

B. A secondary student may be charged partial tuition up to \$30 per credit hour for each concurrent enrollment course for which the student receives college credit [~~except as provided in R277-713-6D~~].

[~~_____ C. A secondary student may participate in a concurrent enrollment course and not pay the partial tuition if the secondary student elects not to receive credit from a USHE institution.~~

[~~_____ D(1) A USHE institution may not charge tuition to a high school concurrent enrollment student for:~~

[~~_____ (a) a technology-intensive concurrent (TICE) course; or~~
[~~_____ (b) a gateway career and technology education course, as defined by the State Board of Regents.~~

] C(2)L A USHE institution may [~~only~~] charge a concurrent enrollment student who qualifies for free or reduced school lunch partial tuition of [~~up to~~]no more than \$5 per credit hour[s] for each concurrent enrollment course for which the student receives college credit.

(3)2 If a concurrent enrollment course is taught by a public school educator in a public school facility, a USHE institution may [~~only~~] charge a concurrent enrollment student [~~up to~~]no more than \$10 per credit hour for the concurrent enrollment course for which the student receives college credit.

(4)3 If a concurrent enrollment course is taught through video conferencing, a USHE institution may charge a concurrent enrollment student [~~up to~~]no more than \$15 per credit hour for the concurrent enrollment course for which the student receives USHE credit.

[~~_____ (5) If a high school student enrolls in multiple concurrent enrollment courses at an institution, the institution shall discount the partial tuition for each subsequent course the student takes after the student pays the full amount for the first course.~~

[~~_____ (6) The State Board of Regents shall determine how an institution discounts tuition for multiple courses.~~

] ED. Concurrent enrollment program costs attributable only to USHE credit or enrollment are not fees and as such are not subject to fee waiver under R277-407.

[~~F~~]E. All non-USHE related student[s'] costs or fees related to concurrent enrollment classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407.

[~~G~~]E. [~~The school district/school~~]LEAs shall be responsible for these waivers. The agreement between the USHE institution and the district may address the responsibility for fee waivers.

[~~H~~]G. Credit:

(1) A student shall receive high school credit for a concurrent enrollment [classes]course that is consistent with the [~~district~~]LEA policies for awarding credit for graduation.

(2) Concurrent enrollment course credit shall count toward high school graduation credit requirements and for college credit; college credit shall be determined by the USHE institution consistent with this rule.

(2) College level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward college/university graduation on the same basis as courses taught at the USHE institution to which the credits are submitted.

(3) Credit earned through the concurrent enrollment program shall be transferable from one USHE institution to another.

~~(4) Concurrent enrollment course credit shall count toward high school graduation requirements as well as for college credit.~~

R277-713-7. Faculty Requirements.

A. ~~[Nomination of adjunct faculty is the joint responsibility of the participating local school district(s) and the participating USHE institution.]~~ Public school educators in concurrent enrollment programs shall be approved prior to teaching as adjunct faculty and supervised by a USHE institution. Public ~~[education teachers]~~ school educators shall have secondary endorsements in the subject area(s) ~~[to be taught]~~ in which they teach and meet highly qualified standards for their assignment(s) consistent with R277-510. ~~[Final approval of the adjunct faculty shall be determined by the appropriate USHE institution.]~~

B. USHE institution faculty beginning their USHE employment ~~[in]~~ after the 200~~[5]~~~~[4]~~~~[0]~~~~[6]~~~~[5]~~ school year who are not K-12 teachers and who have significant unsupervised access to K-12 students and instruct in the concurrent enrollment program defined under this rule shall complete a criminal background check consistent with Section 53A-3-410. The adjunct faculty employer shall have responsibility for determining the need for criminal background checks consistent with the law and for satisfying this requirement and shall maintain appropriate documentation.

C. Adjunct faculty status of high school teachers:

(1) High school teachers who hold adjunct or part time faculty status with a USHE institution for the purpose of teaching concurrent enrollment courses shall be included as fully as possible in the academic life of the supervising academic department.

(2) LEAs and USHE institutions ~~[and secondary schools]~~ shall share expertise and professional development, as necessary, to adequately prepare teachers at all levels to teach concurrent enrollment students and content, including both federal and state laws specific to student privacy and student records.

R277-713-8. Concurrent Enrollment Funding and Use of Concurrent Enrollment Funds.

A. ~~[Each district]~~ LEAs shall receive a pro-rated amount of the funds appropriated for concurrent enrollment according to the number of semester hours successfully completed by students registered through the ~~[district]~~ LEA in the prior year compared to the state total of completed concurrent enrollment hours. Successfully completed means that a student received USHE credit for the course. Concurrent enrollment funds may not reimburse ~~[districts]~~ LEAs for ~~[repeated]~~ repeated by students. Appropriate reimbursement may be verified at any reasonable time by USOE audit.

B. The funds shall first be allocated proportionally, based upon student credit hours delivered.

(1) Courses that are taught by public school educators: 60 percent of the funds shall be allocated to ~~[local school boards~~

~~and charter schools]~~ LEAs, and 40 percent of the funds shall be allocated to the State Board of Regents.

(2) Courses taught by college or university faculty: 60 percent of the funds shall be allocated to the State Board of Regents, and 40 percent of the funds shall be allocated to ~~[local school boards and charter schools]~~ LEAs.

C. Each ~~[high school]~~ LEA shall receive its proportional share of ~~[district]~~ concurrent enrollment monies allocated to the ~~[district]~~ LEA pursuant to Section 53A-17a-120.5 based upon the hours of concurrent enrollment course work successfully completed by students on the high school campus as compared to the state total of completed concurrent enrollment hours.

D. The state shall not reimburse LEAs for concurrent enrollment in excess of 30 semester hours per student per year.

~~[D]~~ E. Funds allocated to ~~[school districts]~~ LEAs for concurrent enrollment shall not be used for any other program.

~~[E]~~ F. ~~[District]~~ LEA use of state funds for concurrent enrollment is limited to the following:

(1) aid in ~~[staff]~~ professional development of adjunct faculty in cooperation with the participating USHE institution;

(2) assistance with delivery costs for distance learning programs;

(3) participation in the costs of ~~[district or school]~~ LEA personnel who work with the program;

(4) student textbooks and other instructional materials; and

(5) fee waivers for costs or expenses related to concurrent enrollment for fee waiver eligible students under R277-407.

(6) ~~[districts/charter schools may]~~ purchases by LEAs of classroom equipment required to conduct concurrent enrollment courses.

(7) other uses approved in writing by the USOE consistent with the law and purposes of this rule.

~~[F]~~ G. ~~[School districts/charter schools]~~ LEAs shall provide the USOE with end-of-year expenditures reports itemized by the categories ~~[identified in R277-713-8D]~~.

R277-713-9. Annual Contracts and Other Student Instruction Issues.

A. Collaborating ~~[school districts/charter schools]~~ LEAs and USHE institutions shall negotiate annual contracts including:

(1) the courses offered;

(2) the location of the instruction;

(3) the teacher;

(4) student eligibility requirements;

(5) course outlines;

(6) texts, and other materials needed; and

(7) the administrative and supervisory services, ~~[in-service education]~~ professional development, and reporting mechanisms to be provided by each party to the contract.

(a) each ~~[school district/charter school]~~ LEA shall provide an annual report to the USOE regarding supervisory services and professional development provided by a USHE institution.

(b) each ~~[school district/charter school]~~ LEA shall provide an annual report to the USOE indicating that all concurrent enrollment instructors are in compliance with R277-713-7~~[B and C]~~.

B. An ~~[school district/charter school]~~LEA shall provide a copy of the annual contract entered into between an ~~[school district/charter school]~~LEA and a USHE institution for the upcoming school year no later than May 30 annually.

C. The annual concurrent enrollment agreement between a USHE institution and an ~~[school district/charter school]~~LEA who has responsibility shall:

(1) provide for parental permission for students to participate in concurrent enrollment classes, which includes notice to parents that participation in concurrent enrollment courses counts toward a student's college record/transcript,

(2) provide for the entity responsible for parent notification about concurrent enrollment purpose(s) and student and family privacy protections; and

(3) provide for discussion and training, as necessary, to all concurrent enrollment instructors about student information, student records laws, and student confidentiality.

KEY: students, curricula, higher education

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

Notice of Continuation: August 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-120.5; 53A-1-402(1)(c); 53A-1-401(3)

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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37795

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are in response to S.B. 21 and S.B. 11 passed in the 2012 General Legislative Session. The changes delete old rule references and add additional language for clarification and documentation of requirements for approved backflow prevention assemblies.

SUMMARY OF THE RULE OR CHANGE: Because of the realigning of responsibilities mandated by S.B. 21 (2012) the following changes, where appropriate, must be made to the Board's rules. When the words "Board" and "Executive Secretary" are used and refer to the performance of an executive task, they must be changed to "Division Director". Changes have also been made to the rule to accommodate S.B. 11 (2012) which covers the appeals process. Additional language for clarification and documentation of requirements

for approved backflow prevention assemblies. This language has been a policy within the cross connection control program of Utah for the past fifteen years. It is also standard practice for documenting approval of assemblies nationwide. Deleted an old rule reference that is not longer valid. Added a definition from Rule R309-305 to this rule instead.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No impact--The rule change incorporates the process used to validate third party approval of backflow apparatus.

◆ **LOCAL GOVERNMENTS:** No impact--The rule change incorporates the process used to validate third party approval of backflow apparatus.

◆ **SMALL BUSINESSES:** No impact--The rule change incorporates the process used to validate third party approval of backflow apparatus.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No impact-- The rule change incorporates the process used to validate third party approval of backflow apparatus.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No change--The rule change incorporates the process used to validate third party approval of backflow apparatus.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The executive director agrees with the fiscal impacts detailed above.

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

ENVIRONMENTAL QUALITY

DRINKING WATER

THIRD FLOOR

195 N 1950 W

SALT LAKE CITY, UT 84116-3085

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at jyee@utah.gov

◆ Ken Bousfield by phone at 801-536-4207, by FAX at 801-536-4211, or by Internet E-mail at kbousfield@utah.gov

◆ Patti Fauver by phone at 801-536-4196, by FAX at 801-536-4211, or by Internet E-mail at pfauver@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 11/12/2013

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.**R309-105. Administration: General Responsibilities of Public Water Systems.****R309-105-1. Purpose.**

The purpose of this rule is to set forth the general responsibilities of public water systems, water system owners and operators.

R309-105-2 Authority.

R309-105-3 Definitions.

R309-105-4 General.

R309-105-5 Exemptions from Monitoring Requirements.

R309-105-6 Construction of Public Drinking Water Facilities.

R309-105-7 Source Protection Plans.

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R309-105-2. Authority.

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

R309-105-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

R309-105-4. General.

Water suppliers are responsible for the quality of water delivered to their customers. In order to give the public reasonable assurance that the water which they are consuming is satisfactory, the Board has established rules for the design, construction, water quality, water treatment, contaminant monitoring, source protection, operation and maintenance of public water supplies.

R309-105-5. Exemptions from Monitoring Requirements.

(1) The applicable requirements specified in R309-205, R309-210 and R309-215 for monitoring shall apply to each public water system, unless the public water system meets all of the following conditions:

(a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(b) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(c) Does not sell water to any person; and

(d) Is not a carrier which conveys passengers in interstate commerce.

(2) When a public water system supplies water to one or more other public water systems, the ~~[Executive Secretary]~~Director

may modify the monitoring requirements imposed by R309-205, R309-210 and R309-215 to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes.

(3) In no event shall the ~~[Executive Secretary]~~Director authorize modifications in the monitoring requirements which are less stringent than requirements established by the Federal Safe Drinking Water Act.

R309-105-6. Construction of Public Drinking Water Facilities.

The following requirements pertain to the construction of public water systems.

(1) Approval of Engineering Plans and Specifications

(a) Complete plans and specifications for all public drinking water projects, as described in R309-500-5, shall be approved in writing by the ~~[Executive Secretary]~~Director prior to the commencement of construction. A 30-day review time should be assumed.

(b) Appropriate engineering reports, supporting information and master plans may also be required by the ~~[Executive Secretary]~~Director as needed to evaluate the proposed project. A certificate of convenience and necessity or an exemption therefrom, issued by the Public Service Commission, shall be filed with the ~~[Executive Secretary]~~Director prior to approval of any plans or specifications for projects described in R309-500-4(1) as new or previously un-reviewed water system.

(2) Acceptable Design and Construction Methods

(a) The design and construction methods of all public drinking water facilities shall conform to the applicable standards contained in R309-500 through R309-550 of these rules. The ~~[Executive Secretary]~~Director may require modifications to plans and specifications before approval is granted.

(b) There may be times in which the requirements of the applicable standards contained in R309-500 through R309-550 are not appropriate. Thus, the ~~[Executive Secretary]~~Director may grant an "exception" to portions of these standards if it can be shown that the granting of such an exception will not jeopardize the public health. In order for the ~~[Executive Secretary]~~Director to consider such a request, ~~[the Division asks that it receive -]the public drinking water system shall submit~~ a written request directly from the management of the public drinking water system, preferably on system letterhead, that includes the following:

(i) citation of the specific rule for which the "exception" is being requested;

(ii) a detailed explanation, drawings may be included, of why the conditions of rule cannot be met;

(iii) what the system proposes, drawings may be included, in lieu of rule;

(iv) justification the proposed alternative will protect the public health to a similar or better degree than required by rule.

Physical conditions as well as cost may be justification for requesting an "exception-to-rule."

(c) Alternative or new treatment techniques may be developed which are not specifically addressed by the applicable standards contained in R309-500 through R309-550. These treatment techniques may be accepted by the ~~[Executive Secretary]~~Director if it can be shown that:

(i) They will result in a finished water meeting the requirements of R309-200 of these regulations.

(ii) The technique will produce finished water which will protect public health to the same extent provided by comparable treatment processes outlined in the applicable standards contained in ~~[R309-204 and]~~R309-500 through R309-550.

(iii) The technique is as reliable as any comparable treatment process governed by the applicable standards contained in ~~[R309-204 and]~~R309-500 through R309-550.

(3) Description of "Public Drinking Water Project"

Refer to R309-500-5 for the description of a public drinking water project and R309-500-6 for required items to be submitted for plan approval.

(4) Specifications for the drilling of a public water supply well may be prepared and submitted by a licensed well driller holding a current Utah Well Driller's Permit if authorized by the ~~[Executive Secretary]~~Director.

(5) Drawing Quality and Size

Drawings which are submitted shall be compatible with Division of Drinking Water Document storage. Drawings which are illegible or of unusual size will not be accepted for review. Drawing size shall not exceed 30" x 42" nor be less than 8-1/2" x 11".

(6) Requirements After Approval of Plans for Construction

After the approval of plans for construction, and prior to operation of any facilities dealing with drinking water, the items required by R309-500-9 shall be submitted and an operating permit received.

R309-105-7. Source Protection.

(1) Public Water Systems are responsible for protecting their sources of drinking water from contamination. R309-600 and R309-605 sets forth minimum requirements to establish a uniform, statewide program for implementation by PWSs to protect their sources of drinking water. PWSs are encouraged to enact more stringent programs to protect their sources of drinking water if they decide they are necessary.

(2) R309-600 applies to ground-water sources and to ground-water sources which are under the direct influence of surface water which are used by PWSs to supply their systems with drinking water.

(3) R309-605 applies to PWSs which obtain surface water prior to treatment and distribution and to PWSs obtaining water from ground-water sources which are under the direct influence of surface water. However, compliance with this rule is voluntary for public transient non-community water systems to the extent that they are using existing surface water sources of drinking water.

R309-105-8. Existing Water System Facilities.

(1) All public water systems shall deliver water meeting the applicable requirements of R309-200 of these rules.

(2) Existing facilities shall be brought into compliance with R309-500 through R309-550 or shall be reliably capable of delivering water meeting the requirements of R309-200.

(3) In situations where a water system is providing water of unsatisfactory quality, or when the quality of the water or the public health is threatened by poor physical facilities, the water system management shall solve the problem(s).

R309-105-9. Minimum Water Pressure.

(1) Unless otherwise specifically approved by the ~~[Executive Secretary]~~Director, no water supplier shall allow any

connection to the water system where the dynamic water pressure at the point of connection will fall below 20 psi during the normal operation of the water system. Water systems approved prior to January 1, 2007, are required to maintain the above minimum dynamic water pressure at all locations within their distribution system. Existing public drinking water systems, approved prior to January 1, 2007, which expand their service into new areas or supply new subdivisions shall meet the minimum dynamic water pressure requirements in R309-105-9(2) at any point of connection in the new service areas or new subdivisions.

(2) Unless otherwise specifically approved by the ~~[Executive Secretary]~~Director, new public drinking water systems constructed after January 1, 2007 shall be designed and shall meet the following minimum water pressures at points of connection:

(a) 20 psi during conditions of fire flow and fire demand experienced during peak day demand;

(b) 30 psi during peak instantaneous demand; and

(c) 40 psi during peak day demand.

(3) Individual home booster pumps are not allowed as indicated in R309-540-5(4)(c).

R309-105-10. Operation and Maintenance Procedures.

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

(1) Chemical Addition

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

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

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

(2) New and Repaired Mains

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

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

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

(3) Reservoir Maintenance and Disinfection

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

(4) Spring Collection Area Maintenance

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

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

(5) Security

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

(6) Seasonal Operation

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

(7) Pump Lubricants

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

R309-105-11. Operator Certification.

All community and non-transient non-community water systems or any public system that employs treatment techniques for surface water or ground water under the direct influence of surface water shall have an appropriately certified operator in accordance with the requirements of these rules. Refer to R309-300, Certification Rules for Water Supply Operators, for specific requirements.

R309-105-12. Cross Connection Control.

(1) The water supplier shall not allow a connection to his system which may jeopardize its quality and integrity. Cross connections are not allowed unless controlled by an approved and properly operating backflow prevention assembly. The requirements of Chapter 6 of the 2009 International Plumbing Code and its amendments as adopted by the Department of Commerce under R156-56 shall be met with respect to cross connection control and backflow prevention.

(2) Each water system shall have a functioning cross connection control program. The program shall consist of five

designated elements documented on an annual basis. The elements are:

(a) a legally adopted and functional local authority to enforce a cross connection control program (i.e., ordinance, bylaw or policy);

(b) providing public education or awareness material or presentations;

(c) an operator with adequate training in the area of cross connection control or backflow prevention;

(d) written records of cross connection control activities, such as, backflow assembly inventory; and

(e) test history and documentation of on-going enforcement (hazard assessments and enforcement actions) activities.

(3) Suppliers shall maintain, as proper documentation, an inventory of each pressure atmospheric vacuum breaker, double check valve, reduced pressure zone principle assembly, and high hazard air gap used by their customers, and a service record for each such assembly.

(4) Backflow prevention assemblies shall be in-line serviceable (repairable), in-line testable and have certification through third party certifying agencies to be used within a public drinking water system. Third party certification shall consist of any combination of two certifications, laboratory or field, performed by a recognized testing organization which has demonstrated competency to perform such tests.

(5) Backflow prevention assemblies shall be inspected and tested at least once a year, by an individual certified for such work as specified in R309-305. Suppliers shall maintain, as proper documentation, records of these inspections. This testing responsibility may be borne by the water system or the water system management may require that the customer having the backflow prevention assembly be responsible for having the device tested.

([5]6) Suppliers serving areas also served by a pressurized irrigation system shall prevent cross connections between the two. Requirements for pressurized irrigation systems are outlined in Section 19-4-112 of the Utah Code.

R309-105-13. Finished Water Quality.

All public water systems are required to monitor their water according to the requirements of R309-205, R309-210 and R309-215 to determine if the water quality standards of R309-200 have been met. Water systems are also required to keep records and, under certain circumstances, give public notice as required in R309-220.

R309-105-14. Operational Reports.

(1) Written Operational Reports.

(a) If, in the opinion of the ~~[Executive Secretary]~~Director, a water system is not properly operated, the ~~[Executive Secretary]~~Director may require a public water system to submit a written operational report covering the operation of the whole or a part of the water system's infrastructure.

(b) The ~~[Executive Secretary]~~Director may require revisions to the submitted operational report to ensure satisfactory operation, and may order the water system to follow the operational report.

(c) If the water system fails to implement the provisions of the operational report, as evidenced by unsatisfactory delivery of a safe and/or reliable supply of drinking water, the ~~[Executive Secretary]~~Director may order further remedies as deemed necessary.

(2) Treatment techniques for acrylamide and epichlorohydrin.

(a) Each public water system shall certify annually in writing to the ~~[Executive Secretary]~~Director (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified in R309-215-8(2)(c).

(b) Certifications may rely on manufacturer's data.

(3)(a) All water systems using chemical addition or specialized equipment for the treatment of drinking water shall regularly complete operational reports. This information shall be evaluated to confirm that the treatment process is being done properly, resulting in successful treatment.

(b) The information to be provided, and the frequency at which it is to be gathered and reported, will be determined by the ~~[Executive Secretary]~~Director.

R309-105-15. Annual Reports.

All community water systems shall be required to complete annual report forms furnished by the Division of Drinking Water. The information to be provided ~~should~~shall include: the status of all water system projects started during the previous year; water demands met by the system; problems experienced; and anticipated projects.

R309-105-16. Reporting Test Results.

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

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

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

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

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

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

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

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

(a) Systems required to sample quarterly or more frequently shall report to the State within 10 days after the end of each quarter in which samples were collected. Systems required to sample less frequently than quarterly shall report to the State within 10 days after

the end of each monitoring period in which samples were collected. The ~~[Executive Secretary]~~Director may choose to perform calculations and determine whether the MCL was exceeded, in lieu of having the system report that information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) The running annual average of the amount of magnesium hardness removal (as CaCO₃, in mg/L) for systems meeting the criterion in R309-215-13(1)(c)(ii).

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

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

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

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

R309-105-17. Record Maintenance.

All public water systems shall retain on their premises or at convenient location near their premises the following records:

(1) Records of microbiological analyses and turbidity analyses made pursuant to this Section shall be kept for not less than five years. Records of chemical analyses made pursuant to this Section shall be kept for not less than ten years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(a) The date, place and time of sampling, and the name of the person who collected the sample;

(b) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample.

(c) Date of analysis;

(d) Laboratory and person responsible for performing analysis;

(e) The analytical technique/method used; and

(f) The results of the analysis.

(2) Lead and copper recordkeeping requirements.

(a) Any water system subject to the requirements of R309-210-6 shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, ~~[Executive Secretary]~~Director determinations, and any other information required by R309-210-6.

(b) Each water system shall retain the records required by this section for no fewer than 12 years.

(3) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than three years after the last action taken with respect to the particular violation involved.

(4) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than ten years after completion of the sanitary survey involved.

(5) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than five years following the expiration of such variance or exemption.

(6) Records that concern the tests of a backflow prevention assembly and location shall be kept by the system for a minimum of not less than five years from the date of the test.

(7) Copies of public notices issued pursuant to R309-220 and certifications made to the ~~[Executive Secretary agency]~~Director pursuant to R309-105-16 shall be kept for three years after issuance.

(8) Copies of monitoring plans developed pursuant to these rules shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under R309-105-17(1), except as otherwise specified. In all cases the monitoring plans shall be kept as long as the any associated report.

(9) A water system must retain a complete copy of your IDSE report submitted under this section for 10 years after the date that you submitted your IDSE report. If the ~~[Executive Secretary]~~Director modifies the R309-210-10 monitoring requirements that you recommended in your IDSE report or if the ~~[Executive Secretary]~~Director approves alternative monitoring locations, you must keep a copy of the ~~[Executive Secretary's]~~Director's notification on file for 10 years after the date of the ~~[Executive Secretary's]~~Director's notification. You must make the IDSE report and any ~~[Executive Secretary]~~Director notification available for review by the ~~[Executive Secretary]~~Director or the public.

(10) A water system must retain a complete copy of its 40/30 certification submitted under this R309-210-9 for 10 years after the date that you submitted your certification. You must make the certification, all data upon which the certification is based, and any ~~[Executive Secretary]~~Director notification available for review by the ~~[Executive Secretary]~~Director or the public.

(11) A water system subject to the disinfection profiling requirements of R309-215-14 shall keep must keep results of profile (raw data and analysis) indefinitely.

(12) A water system subject to the disinfection benchmarking requirements of R309-215-14 shall keep must keep results of profile (raw data and analysis) indefinitely.

R309-105-18. Emergencies.

(1) The ~~[Executive Secretary]~~Director or the local health department shall be informed by telephone by a water supplier of any "emergency situation". The term "emergency situation" includes the following:

(a) The malfunction of any disinfection facility such that a detectable residual cannot be maintained at all points in the distribution system.

(b) The malfunction of any "complete" treatment plant such that a clearwell effluent turbidity greater than 5 NTU is maintained longer than fifteen minutes.

(c) Muddy or discolored water (which cannot be explained by air entrainment or re-suspension of sediments normally deposited within the distribution system) is experienced by a significant number of individuals on a system.

(d) An accident has occurred which has, or could have, permitted the entry of untreated surface water and/or other contamination into the system (e.g. break in an unpressurized transmission line, flooded spring area, chemical spill, etc.)

(e) A threat of sabotage has been received by the water supplier or there is evidence of vandalism or sabotage to any public drinking water supply facility which may affect the quality of the delivered water.

(f) Any instance where a consumer reports becoming sick by drinking from a public water supply and the illness is substantiated by a doctor's diagnosis (unsubstantiated claims should also be reported to the Division of Drinking Water, but this is not required).

(2) If an emergency situation exists, the water supplier shall then contact the Division in Salt Lake City within eight hours. Division personnel may be reached at all times through 801-536-4123.

(3) All suppliers are advised to develop contingency plans to cope with possible emergency situations. In many areas of the state the possibility of earthquake damage shall be realistically considered.

KEY: drinking water, watershed management

Date of Enactment or Last Substantive Amendment: ~~[November 23, 2011]~~2013

Notice of Continuation: March 22, 2010

Authorizing, and Implemented or Interpreted Law: ~~19-4-104[; 63G-4-202]~~

Environmental Quality, Drinking Water **R309-400** Water System Rating Criteria

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37796

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are in response to S.B. 21 and S.B. 11 passed in the 2012 General Legislative Session. Language was added to clarify there may be additional consequences with data falsification (revocation of certification, monetary penalties, etc.).

SUMMARY OF THE RULE OR CHANGE: Because of the realigning of responsibilities mandated by S.B. 21 (2012) the following changes, where appropriate, must be made to the

Board's rules. When the words "Board" and "Executive Secretary" are used and refer to the performance of an executive task, they must be changed to "Division Director". Changes have also been made to the rule to accommodate S.B. 11 (2012) which covers the appeals process. Rule R309-400 deals with the Division's water system rating and the assessment of points for non-compliance with rules. It does not directly assess penalties. Language was added to clarify there may be additional consequences with data falsification (revocation of certification, monetary penalties, etc).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: No impact--This rule change clarifies additional consequences which were already in place.
- ◆ LOCAL GOVERNMENTS: No impact--This rule change clarifies additional consequences which were already in place.
- ◆ SMALL BUSINESSES: No impact--This rule change clarifies additional consequences which were already in place.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No impact--This rule change clarifies additional consequences which were already in place.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will not affect the compliance cost for affected persons. The change clarifies additional consequences which were already in place.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The executive director agrees with the fiscal impacts detailed above.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 DRINKING WATER
 THIRD FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at jyee@utah.gov
- ◆ Ken Bousfield by phone at 801-536-4207, by FAX at 801-536-4211, or by Internet E-mail at kbousfield@utah.gov
- ◆ Patti Fauver by phone at 801-536-4196, by FAX at 801-536-4211, or by Internet E-mail at pfauver@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 11/12/2013

AUTHORIZED BY: Ken Bousfield, Director

R309. Environmental Quality, Drinking Water.

R309-400. Water System Rating Criteria.

R309-400-3. Definitions.

Approved - means that the public water system is operating in substantial compliance with all the Rules as measured by this rule. [

~~Board - means the Drinking Water Board.]~~

Community Water System - means a public water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents.

Contaminant - means any physical, chemical, biological, or radiological substance or matter in water.

Corrective Action - means a provisional rating for a public water system not in compliance with the Rules, but making all the necessary changes outlined by the [~~Executive Secretary~~]Director to bring them into compliance.

[~~Executive Secretary~~]Director - means the [~~Executive Secretary of the Drinking Water Board~~]Director of the Division of Drinking Water.

Major Bacteriological Routine Monitoring Violation - means that no routine bacteriological sample was taken as required by R309-210-5(1).

Major Bacteriological Repeat Monitoring Violation - means that no repeat bacteriological sample was taken as required by R309-210-5(2)(a).

Major Chemical Monitoring Violation - means that no initial background chemical sample was taken as required in R309-515-4(5).

Maximum Contaminant Level (MCL) - The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. Individual maximum contaminant levels (MCLs) are listed in R309-200.

Minor Bacteriological Routine Monitoring Violation - means that not all of the routine bacteriological samples were taken as required by R309-210-5(1).

Minor Bacteriological Repeat Monitoring Violation - means that not all of the repeat bacteriological samples were taken as required by R309-210-5(2)(a).

Minor Chemical Monitoring Violation - means that the required chemical sample(s) was not taken in accordance with R309-205, 210 or 215.

Non-Community Water System - means a public water system that is not a community water system or a non-transient non-community water system.

Non-Transient, Non-Community Water System - means a public water system that is not a community water system and that regularly serves at least 25 of the same persons for more than six months per year. Examples are separate systems serving workers and schools.

Not Approved - means the water system does not fully comply with the Rules as measured by this rule.

Public Water System - means a system, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least fifteen service connections, or regularly serves an average of at least twenty-five individuals for at least sixty days out of the year. Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with system but not under such control.

Routine Chemical Monitoring Violation - means no routine chemical sample(s) was taken as required in R309-205, 210 or 215.

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

Shall - means that a particular action is obliged and has to be accomplished.

R309-400-4. Water System Ratings.

(1) The ~~[Executive Secretary]~~Director shall assign a rating to each public water system in order to provide a concise indication of its condition and performance. This rating shall be assigned based on the evaluation of the operation and performance of the water system in accordance with the requirements of the Rules. Points shall be assessed to Not Approved and Corrective Action rated water systems for each violation of these requirements (R309-100 through R309-705) as the requirements apply to each individual water system. The number of points that shall be assessed are outlined in the following sections of this rule. The number of points represent the threat to the quality of the water and thereby public health.

(2) Points are assessed in the following categories: Quality, Monitoring and Public Notification; Physical Deficiencies; Operator Certification; Cross Connection Control; Drinking Water Source Protection; Administrative Issues; and Reporting and Record Maintenance.

(3) Based upon the accumulation of points, the public water system shall be assigned one of the following ratings.

(a) Approved - In order to qualify for an Approved rating, the public water system must maintain a point total less than the following:

- (i) Community water system - 150 points;
- (ii) Non-Transient Non-Community water system - 120 points; and
- (iii) Non-Community water system - 100 points.

(b) Not Approved - In order for a public water system to receive a Not Approved rating the accumulation of points for the water system must exceed the totals listed above.

(c) Corrective Action - In order to qualify for a Corrective Action rating the public water system must submit the following:

- (i) A written agreement to the ~~[Executive Secretary]~~Director stating a willingness to comply with the requirements set forth in the Rules; and
- (ii) A compliance schedule and time table agreed upon by the ~~[Executive Secretary]~~Director outlining the necessary

construction or changes to correct any physical deficiencies or monitoring failures; and

(iii) Proof of the financial ability of the water system or that the financial arrangements are in place to correct the water system deficiencies.

(iv) The Corrective Action rating shall continue until the total project is completed or until a suitable construction inspection or sanitary survey is conducted to determine the effectiveness of the improvements or the accumulation of points drops below the threshold for a not approved rating whichever is later.

(4) The water system point accumulation shall be adjusted on a quarterly basis or as current information is available to the ~~[Executive Secretary]~~Director. The appropriate water system rating shall then be adjusted to reflect the current point total.

(5) The ~~[Executive Secretary]~~Director may at any time rate a water system not approved if an immediate threat to public health exists. This rating shall remain in place until such time as the threat is alleviated and the cause is corrected.

(6) Any water system may appeal its assigned rating or assessed points ~~[to the Drinking Water Board by filing a request for a hearing with the Executive Secretary] as provided in R305-7. [The Executive Secretary shall place this matter on the agenda of the next regular meeting and so inform the appellant. The request for a hearing must be received by the Executive Secretary at least 14 calendar days prior to a scheduled Board meeting in order to be placed on the Board's agenda.]~~

R309-400-5. Quality, Monitoring and Public Notification Violations.

(1) Bacteriologic: All points assessed to public water systems via this subsection are based on violations of the quality standards in R309-200-5(6); or the monitoring requirements in R309-210-5; and the associated public notification requirements in R309-220. The bacteriological assessments shall be updated on a monthly basis with the total number of points reflecting the most recent twelve month period or the most recent 4 quarters for those water systems that collect bacteriological samples quarterly.

(a) For each major bacteriological routine monitoring violation 35 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(b) For each minor bacteriological routine monitoring violation 10 points shall be assessed. For each failure to perform the associated public notification 2 points shall be assessed.

(c) For each major bacteriological repeat monitoring violation 40 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(d) For each minor bacteriological repeat monitoring violation 10 points shall be assessed. For each failure to perform the associated public notification 2 points shall be assessed.

(e) For each additional monitoring violation (R309-210-5(2)(e)) 10 points shall be assessed. For each failure to perform the associated public notification 2 points shall be assessed.

(f) For each non-acute bacteriological MCL violation (R309-200-5(6)(a)) 40 points shall be assessed. For each failure to perform the associated public notification 10 points shall be assessed.

(g) For each acute bacteriological MCL violation (R309-200-5(6)(b)) 50 points shall be assessed. For each failure to

perform the associated public notification 10 points shall be assessed.

(2) Chemical: All points assessed to public water systems via this subsection are based on violations of the quality standards in R309-200-5; or the monitoring requirements in R309-205, 210 and 215; and the associated public notification requirements in R309-220. The chemical assessments shall be updated on a quarterly basis with the total number of points reflecting the most recent compliance period unless otherwise specified. Points for any chemical MCL violation shall remain on record until the quality issue is resolved. Points for any monitoring violation shall be deleted as the required chemical samples are taken and the analytical results are reported to the [Executive Secretary] Director.

(a) Inorganic and Metal Contaminants:

(i) For each major chemical monitoring violation for inorganic and metal contaminants 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for inorganic and metal contaminants 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) For each MCL exceedance for inorganic and metal contaminants 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(b) Sulfate (for non-community water systems only):

(i) For each major chemical monitoring violation for sulfate 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for sulfate 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) For each MCL exceedance for sulfate 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(c) Radiologic Contaminants:

(i) For each major chemical monitoring violation for radiological contaminants 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for radiological contaminants 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) For each MCL exceedance for radiological contaminants 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(d) Asbestos Contaminants:

(i) For each major chemical monitoring violation for source water or distribution system asbestos 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for source water or distribution system asbestos 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) For each MCL exceedance for source water or distribution system asbestos 30 points shall be assessed. For each

failure to perform the associated public notification 5 points shall be assessed.

(e) Nitrate:

(i) For each routine chemical monitoring violation for nitrate 35 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(ii) For each MCL exceedance of nitrate 50 points shall be assessed. For each failure to perform the associated public notification 10 points shall be assessed.

(f) Nitrite:

(i) For each routine chemical monitoring violation for nitrite 35 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(ii) For each MCL exceedance of nitrite 50 points shall be assessed. For each failure to perform the associated public notification 10 points shall be assessed.

(g) Volatile Organic Chemicals:

(i) For each major chemical monitoring violation for volatile organic chemical contaminants 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for volatile organic chemical contaminants 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) For each MCL exceedance for volatile organic chemical contaminants 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(h) Pesticides/PCBs/SOCs

(i) For each major chemical monitoring violation for pesticide/PCB/SOC contaminants 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for pesticide/PCB/SOC contaminants 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) For each MCL exceedance for pesticide/PCB/SOC contaminants 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(i) Disinfection Byproducts:

(i) Total Trihalomethanes:

(A) For each routine chemical monitoring violation for total trihalomethanes 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each MCL exceedance for total trihalomethanes 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(ii) Haloacetic Acids (HAA5):

(A) For each routine chemical monitoring violation for HAA5 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each MCL exceedance for HAA5 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(iii) Bromate:

(A) For each routine chemical monitoring violation for bromate 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each MCL exceedance for bromate 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(iv) Chlorite:

(A) For each routine chemical monitoring violation for chlorite 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each MCL exceedance for chlorite 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(j) Disinfectant Residuals:

(i) Chlorine:

(A) For each routine chemical monitoring violation for chlorine 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each MCL exceedance for chlorine 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(ii) Chloramines:

(A) For each routine chemical monitoring violation for chloramines 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each MCL exceedance for chloramines 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(iii) Chlorine Dioxide:

(A) For each routine monitoring violation for chlorine dioxide 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(B) For each non-acute chlorine dioxide MCL violation 30 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(C) For each acute chlorine dioxide MCL violation 50 points shall be assessed. For each failure to perform the associated public notification 10 points shall be assessed.

(k) Lead and Copper:

(i) For each major chemical monitoring violation for lead and copper contaminants 20 points shall be assessed. For each failure to perform the associated public notification 3 points shall be assessed.

(ii) For each minor chemical monitoring violation for lead and copper contaminants 10 points shall be assessed. For each failure to perform the associated public notification 1 point shall be assessed.

(iii) A system which fails to install, by the designated deadline, optimal corrosion control if the lead or copper action level has been exceeded shall be assessed 35 points. For each failure to perform the associated public notification 10 point shall be assessed.

(iv) A system which fails to install source water treatment if the source waters exceed the lead or copper action level shall be assessed 35 points. For each failure to perform the associated public notification 10 points shall be assessed.

(v) A system which fails to complete public notification/education if the lead/copper action levels have been

exceeded shall be assessed 10 points for each calendar quarter that the system fails to provide public notification/education.

(vi) A system which still exceeds the lead action level and is not on schedule for lead line replacement shall be assessed 5 points annually. For each failure to perform the associated public notification 2 point shall be assessed.

(l) Groundwater Turbidity:

(i) For each monitoring violation for turbidity 35 points shall be assessed. For each failure to perform the associated public notification 5 points shall be assessed.

(ii) For each confirmed MCL exceedance of turbidity 50 points shall be assessed. For each failure to perform the associated public notification 10 points shall be assessed.

(m) Surface Water Treatment:

(i) For water systems having sources which are classified as under direct influence from surface water and which fail to abandon, retrofit or provide conventional complete treatment or it's equivalent within 18 months of notification shall be assessed 150 points. For the associated failure to perform public notification 10 points shall be assessed. The points shall be assessed as the failure occurs and shall remain on record until adequate treatment is provided or the source is physically disconnected.

(ii) Quality and Monitoring: The surface water treatment assessments shall be updated on a monthly basis with the total number of points reflecting the most recent twelve month period.

(A) Turbidity:

(I) For each turbidity exceedance which requires tier 1 notification under R309-220-5(1)(e) or (f) 50 points shall be assessed. For the associated failure to perform public notification 10 points shall be assessed.

(II) For each turbidity exceedance which requires tier 2 notification under R309-220-5(1)(e) or (f) 35 points shall be assessed. For the associated failure to perform public notification 10 points shall be assessed.

(III) For each month where the percentage of turbidity interpretations meeting the treatment plant limit is less than 95 percent 25 points shall be assessed. For the associated failure to perform public notification 10 points shall be assessed.

(IV) For any period of time which exceeds 4 hours where the system fails to continuously measure (or perform grab samples) the combined filter effluent turbidity 50 points shall be assessed. For the associated failure to perform public notification 10 points shall be assessed.

(V) For a water system which failure to repair continuous turbidity monitoring equipment within 5 working days 50 points shall be assessed.

(B) Disinfection:

(I) For each instance where the disinfectant level in water entering the distribution system is less than 0.2 milligrams per liter for more than 4 hours 25 points shall be assessed. For the associated failure to perform public notification 5 points shall be assessed.

(II) For each instance where there is insufficient disinfectant contact time 35 points shall be assessed. For the associated failure to perform public notification 5 points shall be assessed.

(iii) Treatment Process Control:

(A) For each instance a treatment facility exceeds the assigned filter rates 30 points shall be assessed.

(B) For each month a water system fails to verify calibration of the plant turbidimeters 5 points shall be assessed.

(C) For each month a water system fails to submit a water treatment plant report 50 points shall be assessed.

R309-400-11. Administrative Issues.

Points in this area shall be assessed at the time that the failure occurs or upon notification of the ~~[Executive Secretary]~~ Director and shall remain until the issue is resolved unless otherwise specified.

(1) Administrative Data -

(a) A water system which has not designated a person or organizational official responsible for the system including a current address and phone number shall be assessed 10 points.

(b) A water system project constructed without proper plan approval shall be assessed 1 to 50 points based on an evaluation of the project which shall include the structural or engineering integrity of the project; whether the plans and specifications were prepared and stamped by a licensed professional engineer; the adequacy of the materials used and the impact on the operation of the water system (good or bad). The points assessed shall remain on record for a period of one year.

(2) A water system with a current written Emergency Response Program shall be credited 10 points that shall remain on record as long as the Program remains current.

(3) A water system with a written Financial Management Plan including an appropriate rate structure, infra-structure replacement fund, and master plan shall be credited 10 points that shall remain on record as long as the Plan is current.

(4) Sampling Site Plans:

(a) A water system which does not have an adequate bacteriological sampling site plan shall be assessed 5 points.

(b) A water system which does not have a lead/copper sampling site plan shall be assessed 10 points.

(5) Customer Complaint:

(a) 1 to 100 points may be assessed for valid and documented customer complaints. The customer complaints include but are not limited to the following:

- (i) Turbidity;
- (ii) Pressure;
- (iii) Taste and Odor;
- (iv) Sickness (water suspected); and
- (v) Waterborne Disease Outbreak (R309-104-9).
- (vi) Periods of Water Outage

(b) The number of points shall be based upon the extent and documentation of the problem and the potential impact to public health. The documentation shall consist of an investigation by Department of Environmental Quality, Department of Health or Local Health Department personnel and may include an epidemiological study linking the drinking water to reported outbreaks of illness where appropriate.

(c) In the case of a documented waterborne disease outbreak the water system shall automatically be rated Not Approved for at least the duration of the threat to the quality of the drinking water and as long as it takes the water system to correct any deficiency that caused the outbreak.

(d) Points shall only be assessed once per issue and shall not be additive based on the number of calls per issue. These points shall be assessed and updated upon verification of the complaint by

the ~~[Executive Secretary]~~ Director and shall remain on record until the issue or deficiency no longer exists. Points may have already been assessed in other areas as appropriate.

~~(6)(a) [Agency Directives - When a directive consistent with the authority of the Drinking Water Board is not complied with 1 to 100 points may be assessed to a water system.] The Director may issue [Agency] directives to a water system that include but are not limited to the following:~~

- ~~([a]i) Administrative Orders;~~
- ~~([b]ii) Rule defined action;~~
- ~~([e]iii) Rule defined compliance schedule;~~
- ~~([d]iv) Variance/Exemption requirements; and~~
- ~~([e]v) Bilateral Compliance Agreement.~~

~~(b) If the water system does not comply with the directive, the Director may assess 1 to 100 points to the water system. Points shall be assessed based upon the severity of the non-compliance, the threat to public health and the underlying basis for the original directive.~~

(7) Data Falsification - The ~~[Executive Secretary]~~ Director may assess a water system points for data falsification. The water system may be assessed 1 to 50 points for each occurrence based upon:

- (a) the severity of the falsification;
- (b) the threat to public health;
- (c) the intent of the water system personnel; and
- (d) the type of falsification.
 - (i) Reports only good data
 - (ii) Doctored results from the laboratory
 - (iii) Non-valid sample

Data reported to the ~~[Executive Secretary]~~ Director includes but is not limited to Water Treatment Plant Reports, Disinfection Reports, bacteriological and chemical analyses, and Annual Reports. This assessment of points shall be in addition to any other penalty provided by law.

(8) Water Hauling:

(a) For a community water system that is hauling water as a permanent method of culinary water distribution 150 points shall be assessed.

(b) For a non-community system that is hauling water as a permanent method of culinary water distribution when there is alternate means of supplying quality drinking water 150 points shall be assessed.

(c) For a water system which has been granted an exception to haul water, if any part of the water hauling guidelines are not followed 50 points shall be assessed.

R309-400-12. Reporting and Record Maintenance Issues.

Points may be assessed for failure to provide required reports to the ~~[Executive Secretary]~~ Director by the reporting deadline. The points shall be assigned as the failure occurs and shall remain on record for a period of one year.

(1) Monthly Reports:

(a) For each failure to report the monthly water treatment plant report 10 points shall be assessed.

(2) Quarterly Reports:

(a) For each failure to report the quarterly disinfection report 10 points shall be assessed.

(3) Annual Reports:

- (a) For failure to provide the annual report 2 points shall be assessed.
- (b) For a community water system that fails to prepare or distribute a consumer confidence report as required in R309-225 2 points shall be assessed.

KEY: drinking water, environmental protection, water system rating, ~~administrative procedures~~penalties
Date of Enactment or Last Substantive Amendment: ~~March 6, 2007~~2013
Notice of Continuation: March 22, 2010
Authorizing, and Implemented or Interpreted Law: 19-4-104[; ~~63G-4-202~~]

Environmental Quality, Drinking Water **R309-405**

Compliance and Enforcement: Administrative Penalty

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37797
 FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are in response to S.B. 21 and S.B. 11 passed in the 2012 General Legislative Session. In addition, the division's legal counsel recommends some additional changes. Specifically these changes include changing the word "should" to "shall".

SUMMARY OF THE RULE OR CHANGE: Because of the realigning of responsibilities mandated by S.B. 21 (2012) the following changes, where appropriate, must be made to the Board's rules. When the words "Board" and "Executive Secretary" are used and refer to the performance of an executive task, they must be changed to "Division Director". Changes have also been made to the rule to accommodate S.B. 11 (2012) which covers the appeals process. In addition, the division's legal counsel recommends some additional changes. Specifically these changes include changing the word "should" to "shall".

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No impact--The rule change distinguishes an ability to pay a penalty, an unwillingness to and allows for payment plan as an option.
- ◆ **LOCAL GOVERNMENTS:** No impact--The rule change distinguishes an ability to pay a penalty, an unwillingness to and allows for payment plan as an option.

- ◆ **SMALL BUSINESSES:** No impact--The rule change distinguishes an ability to pay a penalty, an unwillingness to and allows for payment plan as an option.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No impact--The rule change distinguishes an ability to pay a penalty, an unwillingness to and allows for payment plan as an option.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--The rule change distinguishes an ability to pay a penalty, an unwillingness to and allows for payment plan as an option.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The executive director agrees with the fiscal impacts detailed above.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 DRINKING WATER
 THIRD FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at jyee@utah.gov
- ◆ Ken Bousfield by phone at 801-536-4207, by FAX at 801-536-4211, or by Internet E-mail at kbousfield@utah.gov
- ◆ Patti Fauver by phone at 801-536-4196, by FAX at 801-536-4211, or by Internet E-mail at pfauver@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 11/12/2013

AUTHORIZED BY: Ken Bousfield, Director

**R309. Environmental Quality, Drinking Water.
 R309-405. Compliance and Enforcement: Administrative Penalty.**

R309-405-1. Authority.
 Utah Code Annotated, Sections 19-4-104 and 19-4-109

R309-405-2. Purpose, Scope, and Applicability.

(1) This rule sets the criteria and procedures the ~~Board~~Director will use in assessing penalties to public drinking water systems for violation of its rules.

(2) This guidance and ensuing criteria is intended to be flexible and liberally construed to achieve a fair, just, and equitable result with the intent of returning a public water system to compliance.

(3) This rule is applicable to all public drinking water systems.

R309-405-3. Limits on Authority and Liability.

Nothing in this rule should be construed to limit the ~~[Board's]~~Director's ability to take enforcement actions under Utah Code Annotated, Section 19-4-109.

R309-405-4. Assessment of a Penalty and Calculation of Settlement Amounts.

(1) Where the ~~[Executive Secretary]~~Director determines that a penalty may be appropriate, the ~~[Executive Secretary]~~Director shall propose a penalty amount by sending a notice of agency action~~[- under Title 63, chapter 46b of the Administrative Procedures Act,]~~ to the public water system. The notice of agency action shall provide that the public water system may submit comments and/or information on the proposed penalty to the ~~[Executive Secretary]~~Director within 30 days. The criteria the ~~[Executive Secretary]~~Director will use in establishing a proposed penalty amount shall be as follows:

(a) Major Violations: \$600 to \$1000 per day for each day of violation. This category includes violations with high potential for impact on drinking water users, major deviations from the requirements of the rules or Safe Drinking Water Act, intentional fraud, falsification of data, violations which result in a public water system being considered by the Environmental Protection Agency to be: "Significant Non-Compliers" (SNC), or violations that may have a substantial adverse effect on the regulatory program. Specific violations that are subject to a major violation category can include the following:

(i) Violations subject to \$1000 per day penalty:

(A) Any violation defined by R309-220-5 which would trigger a Tier 1 public notification.

(B) Not having any elements of a source protection plan as required in R309-600 for ground water sources and R309-605 for surface water sources.

(C) Failure to respond to an Administrative Order issued by the ~~[Drinking Water Board]~~Director.

(D) Introduction by the water system of a source water that has not been evaluated and approved for use as a public drinking water source under R309-515.

(E) Construction or use of an interconnection to another public water system which has not been reviewed and approved in accordance with R309-550-9.

(F) Having over 20 IPS points (Improvement Priority System points based on R309-400, the Water System Rating Criteria) specifically for operating pressures below that required by R309-105-9.

(G) Having 50 IPS points specifically for an inadequate well seal as required in R309-515.

(H) Having over 50 IPS points (not including the deficiencies in (F) and (G) above) specifically assessed in the physical facility section of an IPS report.

(I) Use of a surface water source without proper filtration treatment in accordance with R309-525 or 530.

(J) Exceeding the rated water treatment plant capacity as determined by review under R309-525 or 530.

(K) Insufficient disinfection contact time as evaluated under R309-215-7.

(ii) Violations subject to \$800 per day penalty:

(A) Not having any of the required components of a cross connection control program in place as required by R309-105-12.

(B) Any violation of the turbidity requirements outlined in R309-215-9(4)(b)(iii -iv) for individual filter turbidities using consecutive readings taken 15 minutes apart.

(b) Moderate Violations: \$400 to \$600 per day for each day of violation. This category includes violations with a moderate potential for impact on drinking water users, moderate deviations from the requirements of the rules or Safe Drinking Water Act with some requirements implemented as intended, or violations that may have a significant notable adverse effect on the regulatory program. Specific violations that are subject to a moderate violation category can include the following:

(i) Violations subject to \$600 penalty:

(A) Any violation defined by R309-220-6 which would trigger a Tier 2 public notification.

(B) Having a disapproved status on a source protection plan (R309-600 and 605) for a period longer than 90 days.

(C) Installation or use of disinfection equipment that has not been evaluated and approved for use under R309-520.

(D) Having measured turbidity spikes of greater than 0.5 or 1.0 NTU in two consecutive fifteen minute readings as defined in R309-215-9(4)(b)(i) or (ii) respectively.

(E) Insufficient source capacity, storage capacity, or delivery capacity as established by review of the system design under R309-500 through 550.

(F) Not complying with plan approval requirements as set forth in R309-500. The term infrastructure can include the disinfection process, surface water treatment process, and physical facilities such as water treatment plants, storage reservoirs, sources and distribution piping.

(c) Minor Violations: Up to \$400 per day for each day of violation. This category includes violations with a minor potential for impact on drinking water users, slight deviations from the rules or Act with most of the requirements implemented, or violations that may have a minor adverse effect on the regulatory program. Specific violations that are subject to a minor violation category can include the following:

(i) Violations subject to \$400 per day penalty:

(A) Any violation defined by R309-220-7 which would trigger a Tier 3 public notification or a violation of the monitoring requirements of R309-515-4(5), except for turbidity monitoring for surface water treatment facilities and violations termed as minor monitoring as outlined in R309-400-3 (minor bacteriological routine monitoring violation, minor bacteriological repeat monitoring violation and minor chemical monitoring violation).

(B) Failure to upgrade a Preliminary Evaluation Report for a source protection plan as required in R309-600 and 605.

(C) Failure to update a source protection plan as required in R309-600 and 605.

(D) Construction or use of a storage reservoir that has not been evaluated for use under R309-545.

(ii) Violations subject to \$200 per day penalty:

(A) Lacking individual components of a cross connection control program as required by R309-105-12.

(B) Not having a certified operator on staff as required in R309-300-5(10) after 1 year or 4 operator certification exam cycles.

(C) Any minor monitoring violation as defined by R309-400-3 (minor bacteriological routine monitoring violation, minor bacteriological repeat monitoring violation and minor chemical monitoring violation).

(D) Any violation of the turbidity requirements outlined in R309-215-9(4)(b)(i-ii) for individual filter turbidities using consecutive readings taken 15 minutes apart.

(2) The ~~[Executive Secretary]~~Director will assess the penalty, if any, after reviewing information submitted by the public water system. The public water system may appeal the assessment of the penalty ~~[to the Board by requesting a formal hearing under R305-6 and the Utah Administrative Procedures Act within 30 days of the date of assessment of the penalty] as provided in R305-7-302.~~

R309-405-5. Factors for Seeking or Negotiating Amount of Penalties.

The ~~[Executive Secretary]~~Director, in assessing the penalty, may take into account the following factors:

(1) Economic benefit. The costs a person or organization may save by delaying or avoiding compliance with applicable laws or rules.

(2) Gravity of the violation. This component of the calculation shall be based on:

(a) The extent of deviation from the rules;

(b) The potential for harm to drinking water users, regardless of the extent of harm that actually occurred;

(c) The degree of cooperation or noncooperation and good faith efforts to comply. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State;

(d) History of compliance or noncompliance. The penalty amount may be adjusted upward in consideration of previous violations and the degree of recidivism. Likewise, the penalty amount may be adjusted downward when it is shown that the violator has a good compliance record; and,

(e) Degree of willfulness or negligence. Factors to be considered include how much control the violator had over the violation and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, whether the violator knew, or should have known, of the legal requirements which were violated, and degree of recalcitrance.

(3) The number of days of non compliance

(4) Public sensitivity. The actual impact of the violation(s) that occurred.

(5) Response and investigation costs incurred by the State and others.

(6) The possible deterrent effect of a penalty to prevent future violations.

R309-405-6. Satisfaction of Penalty Under Stipulated Penalty Agreement.

The ~~[Executive Secretary]~~Director may accept the following methods of payment or satisfaction of a penalty to promote compliance and to achieve the purposes set forth in Utah Code Annotated Section 19-4-109:

(1) Payment of the penalty may be extended based on a person or organization's inability to pay. This ~~[should]~~shall be distinguished from an unwillingness to pay. In cases of financial hardship, the ~~[Executive Secretary]~~Director may accept payment of the penalty under an installment plan or delayed payment schedule with interest.

(2) In circumstances where there is a demonstrated financial hardship, the ~~[Executive Secretary]~~Director may allow a portion of the penalty to be deferred and eventually waived if no further violations are committed within a period designated by the ~~[Executive Secretary]~~Director.

(3) In some cases, the ~~[Executive Secretary]~~Director may allow the violator to satisfy the penalty by completing a Supplemental Environmental Project (SEP) approved by the ~~[Executive Secretary]~~Director. The following criteria shall be used in determining the eligibility of such projects:

(a) The project must be in addition to all regulatory compliance obligations;

(b) The project must relate to some or all of the issues of the violation;

(c) The project must primarily benefit the drinking water users;

(d) The project must be defined, measurable and have a beginning and ending date;

(e) The project must be agreed to in writing between the public water system and the ~~[Executive Secretary]~~Director;

(f) The project must not generate the public perception favoring violations of the laws and rules.

R309-405-7. Penalty Policy for Civil Proceedings.

Pursuant to Utah Code Annotated Section 19-4-109(2)(b), any person who willfully violates any rule or order made or issued pursuant to the Utah Safe Drinking Water Act, Utah Code Annotated Section 19-4-101 et seq, is subject to a civil penalty of not more than \$5000 per day for each day of violation. The ~~[Board and Executive Secretary]~~Director shall apply the provisions of R309-405-4, 5, and 6 in pursuing or resolving willful violations except that the penalty range per day for each day of violation for major violations shall be \$3000 to \$5000, for moderate violations shall be \$2000 to \$3000, and for minor violations shall be up to \$2000.

KEY: ~~drinking water, environmental protection[,— administrative procedures], penalties~~

Date of Enactment or Last Substantive Amendment: ~~[March 8, 2006]~~2013

Notice of Continuation: March 22, 2010

Authorizing, and Implemented or Interpreted Law: 19-4-104[; 63G-4-202]

**Environmental Quality, Water Quality
R317-11
Certification Required to Design,
Inspect and Maintain Underground
Wastewater Disposal Systems, or
Conduct Soil Evaluations or Percolation
Tests for Underground Wastewater
Disposal Systems**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37812

FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are being made as a result of S.B. 21, passed in 2012 General Legislative Session, which changed the duties of the Water Quality Board, Executive Secretary, and Director of the Division of Water Quality. Other changes are also being made at the advice of counsel to remove the Utah On-Site Wastewater Treatment Training Center as the sole training provider by rule. This will allow the division to regularly evaluate and determine through the approved service procurement process the training provider for that contract period. There are also some changes to definitions which are required due to related rulemaking for Rule R317-4.

SUMMARY OF THE RULE OR CHANGE: The changes: 1) changed language to reflect the transfer of responsibility for administration of the certification program from the executive secretary to the director; 2) removed numbering of definitions in coordination with the recent proposed changes to Rule R317-1; 3) added a definition for "Approved Training Provider" to replace the definition which limited who could provide the required training and appeared to not comply with the state purchasing requirements; 4) changed definitions for "Alternative onsite wastewater system" and "conventional system" to be the same as those proposed for the new Rule R317-4; 5) corrected punctuation, capitalization, and references to comply with Division of Administrative Rules guidelines; 6) changed wording to minimize unnecessary duplication of phrases that are relevant to multiple levels of certification requirements; 7) added language to include the addition of the requirement of Section 63G-12-104 regarding citizenship or alien identification certification; and 8) changed term "gross negligence" to "significant negligence" at the advice of counsel.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104 and Section 19-5-106 and Section 19-5-121

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The changes of duties from the executive secretary to the director should have no change in costs, as most of these reside with the same individual. There is hoped to be a savings in time and effort since some functions will now be performed without having to obtain the consensus of the board.

♦ **LOCAL GOVERNMENTS:** There are no expected cost or savings to local government. The requirements for certification and recertification training of those individuals performing the soil evaluations and percolation tests for underground wastewater disposal or designing and inspecting and maintaining those systems are not changing.

♦ **SMALL BUSINESSES:** Small businesses may be affected as the requirement that the training for certification and recertification is allowed to be more flexible due to the removal of the Utah On-Site Wastewater Training Center as the sole provider by rule. The procurement of training services could be competitively bid to other organizations which might affect the cost of the training, but also provide opportunity for employment for training providers.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Any prospective costs or savings to persons other than small businesses, business, or local government entities is merely speculation. None of the proposed changes are made with the intention to increase or decrease the costs to those individuals, but are done as a consequence of the legislation and review of counsel to remove liability and improve efficiency in this certification program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons is not expected to change. Individuals who are certified or who need the services of certified individuals will still need to pay for those. The costs of maintaining the certification are not expected to change, nor are the costs for tracking or permitting.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed changes are required by legislation and as a result of advice from counsel. With the removal of the requirement that training is provided by the training center at Utah State University's Water Laboratory, there is the potential that other training providers might take the initiative to develop and sell a training program to meet the needs of these professionals. This could provide an opportunity for new business even though this is a comparatively small audience.

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 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/28/2013

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality.**R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems.****R317-11-1. Authority, Purpose and Scope.**

1.1. This rule describes the procedures for certification and recertification of individuals who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems as set forth in Title 19, Chapter 5, Section 121.

1.2. The purpose of this rule is to define the minimum requirements for those persons who design, inspect, and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems ~~[as directed by the board]~~ and establish methods for compliance and evaluating non-compliance.

1.3. These certification rules apply to any person who designs, inspects, or maintains underground wastewater disposal systems, or who conducts soil evaluations or percolation tests for underground wastewater disposal systems. Certification is required by any person who performs these activities as provided below.

R317-11-2. Definitions.

~~[2.1.]~~ "Alternative onsite wastewater system" means ~~a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method which is not a conventional system; but not including a surface discharge to the waters of the state~~ an onsite wastewater system that is not a conventional onsite wastewater system.

"Approved Training Provider" means a provider approved by the director for training and examinations for certification of persons who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems.

~~[2.2.]~~ "Board" means the Utah Water Quality Board.

~~[2.3.]~~ "Certificate" means a certificate issued by the ~~[Executive Secretary]~~ director stating that the recipient has met the minimum requirements to be certified as described in this rule.

~~[2.4.]~~ "Conventional system" means an onsite wastewater system ~~[which consists]~~ typically consisting of a building sewer, a septic tank, and an absorption system ~~[consisting of a standard]~~ utilizing absorption trenches, ~~[a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit, or an]~~ absorption beds, deep wall trenches, or seepage pits.

~~[2.5.]~~ "Director" means the director of the Division of Water Quality.

~~_____~~ "Division" means the Utah Division of Water Quality.

~~_____ [2.6.]~~ "Executive Secretary" means the Executive Secretary of the Utah Water Quality Board.

~~[2.7.]~~ "Onsite professional" means a person who is certified at Level 1, 2, or 3 according to this rule.

~~[2.8.]~~ "Training Center" means the Utah On-site Wastewater Treatment Training Center which has been designated by the Executive Secretary for training and administration of examinations for certification of persons who design, inspect and maintain underground wastewater disposal systems, or conduct soil evaluations or percolation tests for underground wastewater disposal systems.

~~_____ [2.9.]~~ "Underground Wastewater Disposal System" means a system for underground disposal of wastewater. It usually consists of a building sewer, a septic tank, and an absorption system. It includes onsite wastewater systems and large underground wastewater disposal systems as defined in Rule R317-1.

R317-11-3. Classes of Certification.

3.1 There are three classes of onsite professional certification, Level 1 being the lowest and Level 3 being the highest:

A. Level 1, soil evaluations and percolation testing;

B. Level 2, design, inspection and maintenance of conventional underground wastewater disposal systems, including soil evaluations and percolation testing; and

C. Level 3, design, inspection and maintenance of alternative or conventional underground wastewater disposal systems, including soil evaluations and percolation testing.

R317-11-4. Individuals Not Required to Obtain Certification.

4.1. An individual is not required to obtain certification to maintain an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual or a member of the individual's family and in which the individual or a member of the individual's family resides or an employee of the individual resides without payment of rent.

4.2. An uncertified individual may conduct soil evaluations or percolation tests for an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual and in which the individual resides or intends to reside, or which is intended for use by an employee of the individual without payment of rent, if the individual:

A. ~~[H]~~ has the capability of properly conducting the tests, as determined by the local health department and

B. ~~[H]~~ is supervised by a certified individual when conducting the tests.

4.3. A person involved in the pumping of an underground wastewater disposal system does not have to be certified under this rule, although ~~[licensing by]~~ notification to the local health department is required under Rule R317-550.

4.4. Licensed plumbers and electricians, when maintaining electrical equipment or wastewater drainage lines leading to the underground wastewater disposal systems, are not required to be certified under this rule.

4.5. Uncertified employees, subordinates or associates of a certified individual are not required to be certified under this rule when

working on activities related to underground wastewater disposal systems under the supervision of a certified individual. Supervision means that a certified individual is personally responsible for the work, and reviews, corrects and approves work done by an uncertified employee, subordinate or associate. Such work must be signed by a certified individual.

R317-11-5. Qualifications for Certification.

5.1. ~~[Level 1, Soil Evaluations and Percolation Testing.]~~In order to qualify for initial Level 1 certification, a person must:

A. ~~[A]~~attend a training course provided by ~~[the Training Center]~~an approved training provider specifically for the purpose of certification at Level 1~~;~~ and

B. ~~[D]~~demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 1 training course.

5.2. ~~[Level 2, Design, Inspection and Maintenance of Conventional Underground Wastewater Disposal Systems, including soil evaluations and percolation testing.]~~In order to qualify for initial Level 2 certification, a person must:

A. ~~[A]~~attend a training course provided by ~~[the Training Center]~~an approved training provider specifically for the purpose of certification at Level 2~~;~~ and

B. ~~[D]~~demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 2 training course~~;~~ and

C. ~~[B]~~be certified for soil evaluations and percolation testing at Level 1.

5.3. ~~[Level 3, Design, Inspection and Maintenance of Alternative or Conventional Underground Wastewater Disposal Systems, including soil evaluations and percolation testing.]~~In order to qualify for initial Level 3 certification, a person must:

A. ~~[A]~~attend a training course provided by ~~[the Training Center]~~an approved training provider specifically for the purpose of certification at Level 3~~;~~ and

B. ~~[D]~~demonstrate knowledge of course subject matter by successfully passing an examination to be given at the conclusion of the Level 3 training course~~;~~ and

C. ~~[B]~~be certified for soil evaluations and percolation testing at Level 1, and certified for design, inspection and maintenance of conventional systems at Level 2.

5.4. All applicants are required to take an examination, but an applicant's current licensing and experience may be substituted for attending the training courses described in Subsections R317-11-5.1.A, R317-11-5.2.A, and R317-11-5.3.A, as follows:

A. ~~An environmental health scientist licensed under Title 58, Chapter 20a, Environmental Health Scientist Act[; may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1, 2, or 3. In order to qualify for waiver of training,] qualifies to substitute licensure and experience for required training for a Level 1, 2 or 3 certification if the Environmental Health Scientist [must provide]provides to the [Executive Secretary]director evidence of current licensure in Utah and [2]two years experience appropriate to the class of certification requested.~~

~~[5.5.]B. A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act[; may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification~~

~~for Level 1, 2, or 3. In order to qualify for waiver of training] qualifies to substitute licensure for required training for a Level 1, 2, or 3, certification if the professional engineer [must provide]provides to the [Executive Secretary]director evidence of current Utah licensure.~~

~~[5.6.]C. A person who is a contractor licensed under Title 58, Chapter 55, Utah Construction Trades licensing Act[; may waive attendance at the respective training course and elect to be tested as required in this section to obtain certification for Level 1 or 2. In order to qualify for waiver of training] qualifies to substitute licensure and experience for required training for a Level 1 or 2 certification if the licensed contractor [must provide]provides to the director evidence of at least five years of experience installing [constructing]underground wastewater disposal systems.~~

5.~~[7.]5. Evidence of current licensure and experience appropriate to the class of certification must be provided to the [Executive Secretary]director at the time of application for certification.~~

5.6. An applicant is also required to meet the requirements of Section 63G-12-104 regarding citizenship or alien identification certification.

R317-11-6. Application for Certification.

6.1. In order to become certified at any level, a person must:

A. meet the qualifications for certification as described in Section R317-11-5[Complete the relevant training course(s) with the Training Center (See R317-11-5.4 -- 5.6 above for alternate requirements for licensed environmental health scientists, engineers, and contractors)]; and

B. [Pass the corresponding test(s); and

~~-----]C. S]submit an application to the [Executive Secretary]director on forms approved by the [D]division, including citizenship or alien identification certification, along with payment of applicable fees.~~

R317-11-7. Training and Examinations.

Training will be provided by ~~[the Training Center]~~an approved training provider. Examinations will be given at the conclusion of each training session. Training will be provided at least twice per year, but may be given more often at the discretion of the ~~[Training Center]~~approved training provider.

R317-11-8. Certificates.

8.1. Certificates will be issued by the ~~[Executive Secretary]director~~ upon receipt of the completed application, required fees, and evidence that the requirements of Section R317-11-5 [above] have been met.

8.2. Date of issuance of an initial certificate will be determined by the date the exam is passed.

8.3. Certificates will expire on December 31 of the appropriate calendar year, calculated in accordance with Section R317-11-9.

R317-11-9. Renewal of Certification.

9.1. Certification renewal is required every 3 years for all levels of certification.

9.2. ~~[Eligibility for renewal of certificates is based on continuous certification.]A certified individual who renews a certificate in a timely manner continues to be eligible for certification~~

~~without meeting new requirements unless the certification is suspended, revoked or annulled.~~

9.3. Renewal of a certificate may be obtained ~~[within]~~at any time prior to ~~[12 months of]~~certificate expiration by:

A. ~~[M]~~making application to the ~~[Executive Secretary]~~director along with payment of applicable fees; and

B. ~~[Evidence of successfully completing the refresher course(s) as provided by the Training Center or]~~successfully completing the required refresher course or courses provided by an approved training provider; or

C. ~~providing with the application evidence of successfully completing other approved training]~~obtained prior to certificate expiration that is approved by the Executive Secretary].

R317-11-10. Lapsed Certifications.

10.1. Expired certifications may be reinstated within ~~[6]~~six months after the expiration date by:

A. ~~[C]~~completing the required refresher course~~(s)]~~ or courses as provided by ~~[the Training Center]~~an approved training provider, and

B. ~~[S]~~submitting a renewal application and reinstatement fee to the ~~[D]~~division.

10.2. After the reinstatement period, initial certification requirements must be met in order to be certified.

R317-11-11. Exceptions.

The ~~[Executive Secretary]~~director has authority to consider exceptions to this rule upon written request.

R317-11-12. Suspension, Revocation, or Annulment of Certification.

12.1. Grounds for suspending, revoking, or annulling a person's certificate may be, but are not limited to, any of the following:

A. ~~[D]~~demonstrated disregard for the public health and safety;

B. ~~[M]~~misrepresentation or falsification of information or reports submitted to the ~~[D]~~division;

C. ~~[C]~~cheating on a certification exam;

D. ~~[F]~~falsely obtaining or altering a certificate; or

E. ~~[H]~~incompetence, misconduct or ~~[gross]~~significant negligence in the performance of work done pursuant to the certification.

12.2. Disciplinary action such as suspension, revocation, or annulment of certificate by the ~~[Executive Secretary]~~director may result where it is shown that the circumstances and events relative to the work done pursuant to the certification were under the individual's jurisdiction and control. Circumstances beyond the control of the individual shall not be grounds for disciplinary action.

12.3. Any certificate not issued ~~[through due process of]~~as specified in this rule will be annulled.

12.4. Recommendations may be made to the ~~[Executive Secretary]~~director regarding the suspension, revocation, or annulment of a certificate. Prior to making any such recommendation, the individual shall be informed in writing of the reasons for such a recommendation. The individual shall be allowed an opportunity for an informal hearing before a review committee appointed by the ~~[Executive Secretary]~~director. Any request for an informal hearing shall be made within 30 days of the date the notification is mailed.

12.5. Following an informal hearing, or the expiration of the period for requesting a hearing, the ~~[Executive Secretary]~~director shall be notified of the final recommendation.

12.6. A challenge to the ~~[Executive Secretary]~~director's determination may be made as provided in Rule [R317-9-3]R305-7.

R317-11-13. Certification Requirements and Effective Dates.

~~[After January 1, 2002, no]~~No person shall design, inspect, maintain, or conduct soil evaluations or percolation tests for an underground wastewater disposal system unless they hold current certification from the ~~[Executive Secretary]~~director, except as exempted in Section R317-11-4.

R317-11-14. Noncompliance.

~~[14.1.]~~Noncompliance with these ~~[C]~~certification rules is a violation ~~[of]~~under Section 19-5-~~[124]~~115 ~~[Utah Code Annotated]~~and may be subject to enforcement by the director.]

~~14.2. Cases of noncompliance with this rule shall be referred to the Executive Secretary.]~~

KEY: waste water, occupational licensing, certification, onsite professional

Date of Enactment or Last Substantive Amendment: ~~[June 27, 2012]~~2013

Notice of Continuation: June 27, 2011

Authorizing, and Implemented or Interpreted Law: 19-5-104; ~~19-5-106;~~ 19-5-121

Health, Disease Control and Prevention, Environmental Services **R392-200** Design, Construction, Operation, Sanitation, and Safety of Schools

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37763
FILED: 06/25/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule has not been modified or updated since 1998, and many changes in building construction and plumbing requirements have occurred since then which result in the need for the updating and clarification of the current enacted rule.

SUMMARY OF THE RULE OR CHANGE: The amendment makes many corrections to style, format, and technical changes; eliminates redundant requirements; requirements about school site topography deleted to prevent conflict with building codes; requirements about coordinating with LHD for construction added to be congruent with the Education rule; fencing height requirement deleted; school ground safety

hazard requirements made applicable to more situations; added requirement to remove buildup of snow and ice on walkways; clarifies safety requirements for student drop-off zones; lists clearer prohibitions to provide playground safety; provides clearer playground supervision requirements; updates requirements for animals on school property; adds requirement for plan review by local health departments for food service facilities to be consistent with Rule R392-100; deletes requirement for local health department approval of food served at school functions; to prevent conflicts with the Department of Environmental Quality rules, deletes requirements for on-site sewage disposal systems, the use of non-potable water supply systems, independent drinking water systems, and security of water systems; adds requirement for partitions between new urinals; adds requirement for new sinks to have a height that is age appropriate; a requirement is added for liquid soap to be provided at showers; adds a minimum of at least two to the requirement for privacy showers at new schools; requirements regarding bottled water already a requirement under the Department of Agriculture and Food rules is deleted; hot water for washing trash containers is specified to be at least 110 degrees; a requirement for an integrated pest management plan and practice is added; requirements for lighting changed from intensity ratios and reflectance to illumination levels; a prohibition is added against parking vehicles close to air intakes; the allowance is eliminated for reducing minimum classroom temperatures to 65 degrees F during energy crisis; requirements for air temperatures in swimming pool areas is eliminated; an allowance for activity and disability appropriate air temperatures is added; flexible requirement for monitoring and response plans for classroom temperatures replaces very complicated and prescriptive requirements; requirement to post boiler inspection certificate added; the requirement for a school nurse on the premises is changed to planned availability of a doctor or nurse at all times; first aid kits would now be required on school buses; prescriptive safety requirements for new recreation equipment replaced with an adopted CPSC publication; requirement added to post warning signs by poisonous or dangerous plants and animals kept on the school premises; and requirements for separating oxygen and acetylene cylinders during storage is added. Outlines new diapering requirements for those schools which perform this function. The building and plumbing modifications are necessary to update to the same standards as building and plumbing codes adopted by Utah statute.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-15-2

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There will be no additional cost or savings to current state budgets. The costs of compliance are borne by the schools themselves and there is no state money directly applied to the modifications. The rule does not create new oversight responsibilities for the state so the state oversight activities can be handled within current appropriations.

◆ LOCAL GOVERNMENTS: There will be no additional overall costs to local health department budgets nor local school district budgets. The Department has looked into the integrated pest management plan requirements and has determined through the experience of some local school districts who have previously adopted this plan, that overall there would be no additional costs expected over time, but if adopted correctly can result in some savings over time. There are some "up front" costs, but these are balanced by the savings due to the lower amount of pesticides used over time. There will be a slight increase in costs to local school districts to provide first aid kits on buses, and update diaper changing areas. The Department has looked into these costs and is unable to accurately estimate these costs due to the lack of data at the state level of the number of buses already equipped with first aid kits, and the lack of data of the condition of each school in the state which would need to update their diaper changing area. It is important to note that the plumbing and building changes proposed in this rule are congruent with plumbing and building codes adopted by statute in Utah and are already in effect statewide.

◆ SMALL BUSINESSES: There will be no additional overall increase in costs for charter schools of this size to comply with an integrated pest management plan. The Department has looked into the issue and has determined from the experience of some local school districts who have implemented the integrated pest management Plan that overall there would be no additional costs expected over time, but if adopted correctly can result in some savings over time. There are some "up front" costs, but these are balanced by savings due to the lower amount of pesticides used over time. There will be a slight increase in costs to charter schools to provide first aid kits on buses, and update diaper changing areas. The Department has looked into these costs and is unable to accurately estimate these costs due to the lack of data at the state level of the number of charter school buses already equipped with first aid kits, and the lack of data of the condition of each charter school in the state which would need to update their diaper changing area. It is important to note that the plumbing and building changes proposed in this rule are congruent with plumbing and building codes adopted by statute in Utah and are already in effect statewide.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no additional overall increase in costs incurred by those in this classification to comply with an integrated pest management plan. The Department has looked into the issue and has determined from the experience of some local school districts who have implemented the IPM Plan that overall there would be no additional costs expected over time. But if adopted correctly can result in some savings over time. There are some "up front" costs, but these are balanced by savings in the amount of pesticides used over time. There will be a slight increase in costs to those in this classification to provide first aid kits on buses, and update diaper changing areas. The Department has looked into these costs and is unable to accurately estimate these costs due to the lack of data at the state level of the number of charter school buses already equipped with first aid kits, and the lack of data of the

condition of each charter school in the state which would need to update their diaper changing area. It is important to note that the plumbing and building changes proposed in this rule are congruent with plumbing and building codes adopted by statute in Utah and are already in effect statewide.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no additional increase in costs to these affected persons. The Department has looked into this issue and has found that overall the adoption of an integrated pest management plan if done correctly has the potential to decrease costs. There may be some increased costs incurred to provide first aid kits on buses, and update diaper changing areas. The Department has looked into these costs and is unable to accurately estimate these costs due to the lack of data at the state level of the number of charter school buses already equipped with first aid kits, and the lack of data of the condition of each charter school in the state which would need to update their diaper changing area. Any up front cost to implement an integrated pest management plan are justified to protect the health and safety for children from pesticide exposure and first aid kit availability on buses which will result in increased safety. The state board of education has provided some costs to the Department which are as follows: \$500 per urinal partition which would be required to be added to newly constructed schools, \$100 per square foot for any remodeling required for diaper areas, if needed, liquid soap dispensers \$100 per unit, plus labor, and no estimate available for the cost of contracting with an IPM contractor, or to develop a unique plan if not using an IPM contractor, but the cost to develop an IPM plan is minimal with guidance documents available and support by UDOH to train school districts on IPM implementation. Many school already have liquid soap dispensers. It is important to note that the plumbing and building changes proposed in this rule are congruent with plumbing and building codes adopted by statute in Utah. Also it is important to note that many of these requirements are only applicable to newly constructed or newly remodeled schools as a phased in approach.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This will have some impact on initially business but overall should be positive because redundant or obsolete standards are eliminated and individual schools are allowed to formulate remediation tailored to its particular circumstances.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Ronald Marsden by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at rmarsden@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R392. Health, Disease Control and Prevention, Environmental Services.

R392-200. Design, Construction, Operation, Sanitation, and Safety of Schools.

R392-200-1. ~~[General Provisions]~~ Authority and purpose of Rule.

~~[A. Purpose. This rule provides minimum requirements for the protection of the health and safety of the school occupants and the general public.] This rule is authorized under Section 26-15-2. It establishes minimum standards for the design, construction, operation, sanitation, and safety of schools.~~

R392-200-2. Applicability, Responsibility for Compliance.

~~[B.](1) [Application.—] The provisions of this rule are applicable to the design, construction, operation, maintenance, safety, health, and sanitation of schools, their grounds, and accessory structures[thereto].~~

~~————— C. Construction or Remodeling of School Buildings]~~

~~[1.](2) [On and after the effective date of this rule, all school buildings or appurtenances that are constructed or extensively remodeled shall be designed, constructed, remodeled, and maintained in accordance with the standards set forth in rule.] The governing body of the school, shall ensure that the school building and grounds are constructed, operated, and maintained in accordance with this rule.~~

~~[2.](3) [Architectural plans for new or for an extensive renovation of an existing facility shall be submitted to the Department or its designated representative for review and approval prior to construction. Any changes required for approval shall be included into the plans and adhered to in the construction of the facility.] This rule does not require a construction change in any portion of a school if it was constructed and in compliance with law in effect at the time the school was built except as specifically provided otherwise in this rule. However if the Executive Director or the Local Health Officer determines that conditions in any school are a threat to the health of persons using the school, the Executive Director or the Local Health Officer may order correction of any condition that impairs or endangers the health or life of those attending schools. The Executive Director or Local Health Officer may allow temporary measures to ameliorate the problem for up to a year until the governing body can make a permanent correction.]~~

~~————— 3. Existing schools shall be maintained in accordance to the health and sanitary standards established in this rule.]~~

R392-200-3. Definitions.

The following definitions apply to this rule:

D. Definitions

1. "Approved" means acceptable to the Director or local health officer based on his determination that there is conformance with appropriate standards and good public health practice.

[2-](1) "Department" means the Utah Department of Health [or its authorized agents].

[3-](2) "Director" means the Executive Director of the Utah Department of Health, or designated representative.

4. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area, whether or not enclosing a building or set of buildings, and its associated premises that is used for the education of individuals and that may be owned and/or operated by public or private agencies.

5. "Hot Water" means water heated to a temperature of not less than 120 degrees Fahrenheit (49 degrees Celsius) at the outlet.

(3) "Governing Body" means the board of education, owner, person or persons designated by the owner with ultimate authority and responsibility, both moral and legal, for the management, control, conduct and functioning of the school.

[6-](4) "Instructor" means any volunteer or employee educator, licensed or not licensed, responsible for student education at a private or public school. [teacher, teaching assistant, teacher's aid, or any other such individual responsible for a particular class.]

[7-](5) "Local Health Officer" means the health officer of any [municipal,] county[;] or district health department, or [his-] designated representative.

[8-](6) "School" means any public or private educational institution including charter schools, elementary schools, middle schools, and secondary schools established to provide education for grades kindergarten through 12 regardless of student's age, including attached pre-schools, but excluding home schools. [shall mean any public or private educational institution or facility owned and/or operated by federal, state, or local governments, religious organizations, private agencies, or individuals.]

9. "Solid Wastes" means any discarded organic matter, refuse, rubbish, hazardous waste, special waste, garbage, trash, and other waste materials resulting from the operation of the facility.

[10-](7) "Toxic" means any chemical or biological agent the exposure to which may cause an acute or chronic health hazard. [substance that may have an adverse physiological effect on a person or persons.]

11. "Wastewater" means sewage or water-carried wastes, and shall include, but not be limited to, the discharges from all plumbing fixtures or facilities.]

R392-200-[2]4. Site Standards[Selection].**A. Site Standards**

[1-](1) [The topography of the site shall permit the drainage of surface waters from the grounds without creating a nuisance during inclement weather, thawing periods, lawn sprinkling, or irrigation.] Prior to developing plans and specifications for a new school, or the expansion of an existing school, school districts and charter schools shall coordinate with local health departments regarding environmental health and safety issues to avoid unreasonable risks to the health and safety of students, school staff, and faculty.

[2-](2) The school site shall not be located in an area where there is a history or high possibility of flooding, high ground water, snow or earth slides, [~~earthquake fault,~~] or an area that was a repository for hazardous substances.

[3-](3) The school site shall be located to [~~eliminate~~] minimize the negative influence of railroads, freeways, highways, heavy traffic roads, industrial areas, airports and aircraft flight patterns, fugitive dust, odors, or other areas where auditory problems, malodorous conditions, or safety and health hazards exist.

R392-200-[3]5. School Grounds.**A. General**

[1-](1) [~~Fences, if needed, shall be constructed of sufficient height around elementary school playgrounds to exclude animals and prevent children from entering local streets or parking lots.~~ Fencing] School ground fencing shall be constructed of smooth materials with no barbs or projections and shall be maintained in good repair.

[2-](2) Mechanical equipment, e[E]lectrical transmission lines, poles, transformer boxes, and other electrical equipment shall be located or protected with a barrier to prevent an electrical or [obstacle] other safety hazard. [~~Well pumps or other electrical equipment on the school property shall be enclosed and protected with a minimum six feet high woven wire fence or other suitable enclosure.~~]

[3-](3) Walkways shall be provided between the school building and other buildings on the school grounds. Walkways shall be graded to allow proper drainage, and [~~constructed of smooth impervious materials to prevent a safety hazard~~] allow for safe passage. Walkways and parking areas shall be maintained in good repair and free of a buildup of snow and ice.

[4-](4) Illumina[ti]on at a minimum of 1 foot candle shall be provided for walkways, building entrances, parking areas, roads, and similar areas, during hours of use.

[5-](5) With the exception of "pop up heads", e[E]levated lawn sprinkler heads shall not be permanently installed and shall not be left in place on playgrounds or other recreational areas.

[6-](6) Service roads, parking areas, and walkways on school property shall be constructed and located to facilitate the safe movement of vehicular and pedestrian traffic [~~and to prevent or reduce safety hazards~~]. Student drop off and pick up zones must maximize safety.

[7-](7) [~~The playground area shall be located in a safe and supervised area. All parts of the~~] The governing body shall control health and safety risks on school [grounds] property [shall be kept free of] by removing items that are likely to be a source of risk such as weeds, holes, [ditches, stones, ashes, cinders, pieces of wire or] broken glass, or broken or cut tree [stumps, dead] limbs [of trees, or other obstructions that create safety hazards or rodent harborage areas] and by filling or covering excavations or ditches.

[8-](8) Playgrounds must be located in areas that maximize safety. The governing body shall provide personnel so that playgrounds are adequately supervised during recess and school sponsored outdoor time. Playground equipment, if provided, shall be located to permit [adequate] supervision. [~~Playground sites shall be located where the hazard of elementary school age children crossing streets or parking areas is eliminated.~~]

~~[9-](9) [During school hours dogs, cats, or other animals shall not be allowed on school property. Seeing eye dogs or animals used for school instructional purposes may be allowed if adequately controlled.]The governing body shall minimize the likelihood of students' contact with stray animals using methods such as the installation of fencing at elementary schools and taking appropriate actions to have removed any stray animals found on the school property. Animals brought by students or teachers for instruction or demonstration purposes are allowed if controlled in a manner that protects students and, if a vaccine is available for that species, the animal has been vaccinated for rabies. Police enforcement dogs, and service animals on duty under the Americans with Disabilities Act or under the provisions of an individualized education plan made pursuant to the Individuals with Disabilities Education Act are allowed on the school grounds.~~

~~[10-](10) If bicycles are permitted at a school, the governing body shall ensure that a designated area[shall be provided] for bicycle parking is provided and[The parking area shall be] located where it will not create a safety hazard by obstructing building entry[or exit ways, walkways, or vehicular traffic.~~

~~(11) Structures or landscaping must not provide access by unauthorized individuals to the roof of the school.~~

R392-200-[4]6. Food Service.

~~A. General]~~

~~[1-](1) The design, construction, installation, and operation of food service facilities and equipment shall be in compliance with the Food Service Sanitation Rule R392-100 and [other appropriate]local health department regulations. Plans for food service facilities must be submitted by the governing body to the local health department for evaluation and approval prior to the beginning of construction. Any significant modification to the school food service facility that falls within the plan review requirements of R392-100 must be approved by the local health department prior to modification.~~

~~[2-](2) The governing body shall ensure that food provided by the school that is[Food] not prepared on site [shall be]is obtained, transported, and served from approved sources as required by[and shall be transported and served in accordance with] R392-100.[~~

~~3. Local health department approval shall be obtained prior to any function where food will be served or prepared from other than school lunch facilities.]~~

R392-200-[5]7. Sanitary Facilities and Controls.

~~[A-](1) Water Supply.[General]~~

~~[1-](a) The water supply shall meet the requirements of the Utah Department of Environmental Quality.[be of adequate volume and pressure and of a safe, sanitary quality and shall comply with the requirements of the State of Utah public drinking water Rules.] All bottled water supplied or sold by the school shall [comply with]meet the bottled water requirements of the Utah Department of Agriculture and Food.~~

~~[2-](b) The governing body shall notify the local health department as soon as reasonably possible but no longer than four hours after the discovery of a continuing[If the] water supply [is-] interrupt[ed]ion[for any reason, for 4 hours or more, the local~~

~~health officer shall be notified.] If the water supply is estimated to be or actually interrupted for four hours or more.[F]the local health officer may require the school to [be-]close[d] or have the school provide an [approved-]alternative source of potable water [shall be provided]approved by the local health department.[~~

~~3. Non-potable water supply systems used for irrigation or similar purposes shall be operated in a completely separate storage and support system from potable water and shall be maintained in compliance with Section 19-4-112 of the Utah Code Annotated 1953 as amended.~~

~~4. Water supply pumps, storage, treatment facilities, and other mechanical equipment shall be protected from unauthorized access.~~

~~5. If water is to be supplied by the school's independent water supply system, plans and specifications for such a water system shall meet Utah State safe drinking water standards and shall be submitted to and approved by the Department of Environmental Quality prior to construction.]~~

~~[B-](2) Wastewater.[General]~~

~~[1-](a) The governing body shall ensure that a[A]ll wastewater or water-carried wastes such as water from cleaning garbage cans and dumpsters is [shall be-]disposed of in accordance with rules established by [a public sewage system or by a sewage disposal system constructed and operated according to-]the Utah Department of Environmental Quality[wastewater disposal rules].~~

~~[2-](b) [If a-]The governing body shall notify the local health department as soon as reasonably possible but no longer than four hours after the discovery of a continuing sewer system [service is-]interrupt[ed]ion[for any reason, for 4 hours or more, the local health officer shall be notified]. If the sewer system is estimated to be or is actually interrupted for four hours or more [F]the local health officer may require the school to be closed or require the school to provide temporary toilet facilities or an [approved-] alternate wastewater disposal method approved by the local health department and the Utah Department of Environmental Quality[sanitary facility shall be provided].~~

~~3. All schools installing or modifying an on-site sewage disposal system shall submit plans to the health officer having jurisdiction for review and approval prior to construction or modification.]~~

~~[C-](3) Plumbing[General]. The governing body shall ensure that p[P]lumbing [shall be]is sized, installed, and maintained in accordance with the requirements of the most restrictive or specific between the [Utah-P]plumbing [C]code adopted by the Utah legislature under Section 15A-2-103 and the 2010 Americans with Disability Act (ADA).~~

~~[D-](4) Toilet Rooms[Facilities-General].~~

~~(a) Toilet rooms [facilities-]shall be in compliance with the requirements of the most restrictive or specific between the plumbing code adopted by the Utah Legislature under Section 15A-2-103 and the 2010 ADA[located and available on each floor having classrooms or other instructional areas]. With the exception of faculty or staff restrooms, [E]locked [facilities]toilet rooms are prohibited unless students have [reasonable-]access to the number of unlocked toilet rooms as required under the aforementioned plumbing code or the 2010 ADA, whichever is the most stringent or restrictive of the two[them or to other facilities that are reasonably accessible].~~

~~1. Toilet Rooms]~~

~~[a-](b)~~ Self-closing entrance doors shall be provided if privacy is not achieved using shielding to break the line of vision of a person looking into the toilet room from outside the toilet room.

~~[b-](c)~~ If a toilet room is designed for use by more than one person at a time, each toilet therein shall be enclosed on all four sides by a separate stall. The height of the stalls shall allow sufficient light or ventilation therein. The stall partitions and door shall be at least 16 inches from the floor. A urinal is exempt from the requirements for a stall; however, where there are two or more adjacent urinals, there shall be a solid partition between adjacent urinals that extends at least 18 inches from the wall.

~~[e-](d)~~ In new or extensively remodeled ~~establishments]~~schools, toilet rooms shall be mechanically vented to the outside of the building. A system shall be installed to resupply the air that is exhausted.

~~[d-](e)~~ An easily cleanable waste container shall be provided and maintained in each toilet room. At least one conveniently located covered waste receptacle must be provided in [F]oilet rooms used by [girls in grades 4 and above, and/or women shall have at least one conveniently located covered waste receptacle]females nine years and older. Assigned school or contracted personnel shall empty each waste container as often as necessary and at least daily.]

~~e. Each toilet room shall be provided with an easily cleanable waste container that shall be emptied as often as necessary, at least daily, and shall be kept clean.]~~

~~[f-](f)~~ All toilet room fixtures shall be kept clean and maintained in good repair.

~~[g-](g)~~ ~~[Each t]~~Toilet fixtures shall be provided with a supply of toilet tissue at all times.

~~[h-](h)~~ Toilet rooms must be easily accessible and conveniently located for use[shall be available for use] at all times the school is in session [open-]or used for school approved activities, for all school recreational facilities, and for areas utilized for school functions.]

~~i. Conveniently located toilet facilities shall be easily accessible for all recreational facilities and areas utilized for school functions or approved activities by the school.]~~

~~[j-](i)~~ ~~Toilet[Rest]~~ room walls, floors, and ceilings must be constructed of[shall be light colored,] smooth, non-absorbent, easily cleanable materials. Assigned school or contracted personnel [-and-]shall [be kept]keep toilet room walls, floors, and ceilings clean and maintained in good repair.]

~~E. Lavatory Facilities]~~~~(5) Diaper Changing.~~

~~(a)~~ A school attended by students who require changing of diapers by school or designated personnel must have a designated diaper changing area.

~~(b)~~ The diapering area shall not be located in a food preparation or eating area.

~~(c)~~ The diapering surface must not be used for any other purpose. The diapering station shall have a solid, smooth, non-absorbent surface kept in good repair.

~~(d)~~ Child and student diapering stations shall be designed with a raised edge to prevent a child or student from rolling off or falling.

~~(e)~~ A privacy area for individuals older than three years of age requiring diaper change must be provided for diaper changing.

(f) The governing body shall make sure that the school staff members who perform diapering tasks comply with the following requirements:

(i) Staff members who prepare or serve food shall not change diapers or assist in toilet training.

(ii) Staff members shall not diaper children directly on the floor.

(iii) Staff members shall not leave a child or student unattended on the diapering surface.

(iv) Staff members shall clean and sanitize diapering surfaces after each use, shall use a sanitizer registered by the U.S. Environmental Protection Agency for that purpose and according to the manufacturer's instructions, and shall make sure sanitizer containers are properly labeled and stored in the diaper changing area out of the reach of children and students.

(v) If a disposable covering is used on the diapering surface, a staff member shall properly dispose of the covering after each diaper change.

(vi) Staff members shall wash their hands with soap and water immediately after changing a diaper, and before commencing other tasks.

(vii) Staff members shall place soiled disposable diapers in a container that has a leak proof lining and a tight fitting lid, in a leak proof sealed bag and placed in a container with a tight fitting lid, or placed directly in an outdoor garbage container that has a tight fitting lid. Staff shall clean and sanitize on a daily basis the containers where soiled diapers are placed.

(viii) If cloth diapers are used, staff members shall not rinse them at the school. After a cloth diaper is changed, a staff member shall place the cloth diaper directly into a leak-proof container or into a sealed bag and placed in a container. The container shall be inaccessible to any child and labeled with the child's name. The staff member may also place the diaper into a leak-proof diapering service container.

(ix) A staff member shall check each child's diaper at least once every two hours and shall change any child's diaper promptly if it is wet or soiled. If a child is napping at the end of a two-hour period, the child's diaper must be checked when the child awakes.

(x) The governing body shall ensure that diaper changing procedures meeting the requirements of this rule are posted in the diaper changing area.

~~[+](6) [Lavatory Installation]Handwashing Sinks.~~

~~[a-](a)~~ ~~[Lavatories]Handwashing sinks [with hot and cold water-]shall be [located]placed in or immediately adjacent to toilet facilities.~~

~~[b-](b)~~ ~~[Lavatories with hot and cold water]Handwashing sinks shall be located in or conveniently adjacent to classrooms where normal activities require the students to wash their hands either before or after performing the classroom activities. [Such classrooms shall include, but are not limited to,]All elementary classrooms, [home economies]life skills, art, chemistry, biology, auto shop, wood and metal shop, and drama must have handwashing sinks located in or conveniently adjacent to them. ~~[The hot w]~~Water provided at these locations ~~[shall]must be tempered to or adjustable to a minimum of 100 degrees Fahrenheit (37.8 degrees Celsius) and not exceed [+26]110 degrees Fahrenheit (43.3 degrees Celsius).~~~~

~~[e-](c) [Lavatories, including soap, towels, and hot water shall]Handwashing sinks must be provided [for]at locations where [aH-]persons are required to handle any liquids that may burn, irritate, or are otherwise [be-]harmful to the skin.~~

~~(d) Handwashing sinks shall be at a height appropriate to the children that use them.~~

~~[2-](e) [Lavatory Faucets. Each lavatory]Handwashing sinks with hot and cold water shall be provided with [hot and cold water, utilizing]faucets that utilize a mixing valve or a combination faucet. [Steam-mixing valves are prohibited.—]Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for an average of [10]at least 15 seconds without the need to reactivate the faucet.[~~

~~3. Lavatory Supplies]~~

~~[a-](f) [A supply of h]Hand cleaning soap or detergent [shall]must be conveniently [available]provided near each [lavatory]handwashing sink.~~

~~[b-](g) Disposable s[S]anitary towels shall be provided in a[n appropriate] protective dispenser that dispenses one towel at a time or a forced-air mechanical hand-drying device providing heated air [shall be -]conveniently located near each [lavatory]handwashing sink. [Common towels are prohibited.—]If disposable towels are used, easily cleanable waste receptacles shall be provided]If cloth towels are used for hand drying, a towel or segment of a roll cloth towel that has not been used by another person since it was laundered shall be available for each person.~~

~~[4-](h) [Lavatory Maintenance. Lavatories]Handwashing sinks and all related fixtures shall be kept clean and maintained in good repair.~~

~~[F-](7) Shower Facilities,~~

~~[1-](a) Shower [Installation]Construction.~~

~~[a-](i) Showers [shall be provided-]for classes in physical education shall be provided if students are required to change clothes. Each shower [shall be]must be provided with hot and cold water utilizing a mixing valve or combination faucet. Nothing in this section shall prohibit the use of water temperature controls to ensure the safety of the student. A non-skid surface must be installed on s[S]hower floors and adjacent floor areas[-shall have a non-skid surface]. Shower room walls and ceilings shall be constructed with light colored, smooth, nonabsorbent, and easily cleanable materials.~~

~~[b-](ii) At least one shower head shall be provided for each [sixteen]15 students utilizing any adjacent dressing area at any one time. A supply of liquid soap for showering must be provided.~~

~~[e-](iii) At least two p[P]rivacy showers [shall]must be provided for schools constructed after January 1, 2012.~~

~~[d-](iv) A dressing room area with non-skid floors and floor drains shall be provided adjacent to shower facilities,[-and shall be equipped with benches constructed of easily cleanable impervious materials-] Showers shall be constructed to prevent water flow into the drying and dressing room area. Hard surfaced or materials that cannot absorb water must be used for floors, benches, and other furniture[Carpeting is prohibited] in dressing rooms.~~

~~[e-](v) [In new or extensively remodeled facilities, shower area]The shower area dressing room[s] shall be mechanically vent[ed]ilated to the outside of the building[-A-] and a system to resupply the air that is exhausted must [shall-]be installed to resupply the air that is exhausted].~~

~~[f-](vi) Toilet rooms and towel racks shall be [conveniently-]located convenient to shower and dressing rooms.~~

~~[2-](b) Shower Room Cleaning and Maintenance,~~

~~[a-]Shower rooms, dressing rooms, and adjacent areas [when used-]shall be kept clean and free of clutter[cleaned at least daily]. Shower room walls and ceilings shall be kept clean and maintained in good repair. Shower floors shall be cleaned and disinfected daily after school activity use.[~~

~~b. Shower room walls, floors and ceilings shall be light colored, smooth, nonabsorbent, easily cleanable, and shall be kept clean and maintained in good repair.]~~

~~[3-](c) Shower Supplies.~~

~~[—]If students are provided with towels[-are supplied by the school], the[y] towels shall be laundered at least weekly and shall not be shared with another student.[-to ensure exposure to a water temperature of 168 degrees F, for a combined wash and rinse period of at least 25 minutes or an equivalent washing procedure. Such towels, if provided, shall be furnished clean weekly or at time of reissue. The use of common towels is prohibited.]~~

~~[G-](8) Drinking Fountains,[~~

~~1. General]~~

~~[a-](a) Drinking f[F]ountains shall provide a water stream of at least a 2 inch arch into the basin.[be designed so the water stream will arch into the basin. The stream of water shall be of a sufficient height and constant pressure to enable the user to drink without touching the mouth guard. Vertical flow, bubbler type fountains are prohibited.—]Fountains shall be constructed of impervious material such as stainless steel, porcelain, vitreous china or enameled cast iron.]~~

~~[b-](b) Fountains shall be kept clean and in good repair.~~

~~[e-](c) Drinking f[F]ountains are prohibited in areas where [shall not be installed in toilet rooms or other areas where exposure to-]contamination from human wastes or toxic or hazardous materials [eould]is likely to occur, including toilet rooms and laboratories.~~

~~[d-](d) Drinking fountains shall be installed so t[T]he height of the drinking fountain is at the drinking level [shall be-] convenient to students utilizing the drinking fountain.~~

~~[e-](e) [Conveniently located d]Drinking fountains shall be conveniently located and easily accessible for all recreational facilities and areas utilized for school functions.~~

~~[f-](f) [If water under pressure cannot be made available, all bottled water that is provided shall comply with the bottled water requirements of the Utah Department of Agriculture, with a suitable faucet for the filling of individual cups.—]Individual s[Single-] service and multi use [drinking-]cups provided by the school must meet the requirements of R392-100[shall be dispensed from an approved dispenser].]~~

~~g. The use of common cups is prohibited.]~~

~~[H-](9) Swimming Pools,[~~

~~1. General~~

~~a. Swimming pools shall be constructed, operated, and maintained in accordance with R392-302.]~~

~~[b-]Plans for s[Swimming pools at school facilities must be constructed, operated, and maintained in accordance with R392-302,]-diving pools, or therapy pools intended for installation at any facility covered by this rule shall be reviewed and approved by the Department or its designated representative prior to installation.]~~

~~[F-](10) [Solid Wastes]Waste Collection, Storage and Disposal.~~

~~1. Containers~~

~~[a-](a) [Cleanable w]Waste containers shall be provided [available -]in each classroom[-, and shall be kept clean and in good repair].~~

~~[b-](b) For s[S]hops, chemistry labs, and similar areas, separate waste containers shall also be provided for each type of waste material not allowed to be disposed with regular municipal waste[have appropriate waste containers for solid waste disposal].~~

~~[e-](c) Solid wastes shall be kept in durable, easily cleanable, insect-[proof]resistant and rodent-[proof]resistant containers that do not leak and do not absorb liquids.~~

~~d. Containers, refuse bins, compactors, and compactor systems located or stored outside shall be easily cleanable, shall be provided with tight-fitting lids, doors, and covers, and shall be kept covered. Containers designed with drains shall have drain plugs in place at all times, except during cleaning.]~~

~~[e-](d) [There shall be a]A sufficient number and size of containers must be provided to hold all the garbage, refuse, and other [solid-]waste [that -]accumulate[s]d between the times when the containers are emptied.~~

~~[f-](e) The governing body shall direct school personnel to clean and repair or replace all waste [Soiled-]containers [shall be cleaned-]at a frequency that [is adequate to]will prevent odors and prevent insect and rodent attraction. [Suitable facilities, including h]Hot water at a minimum of 110 degrees Fahrenheit (43.3 degrees Celsius) and detergent or steam[-, shall] must be provided [and used]for washing waste containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage and shall not be allowed to enter any storm drain.]~~

~~g. Suitable facilities, including hot water and detergent, shall be provided and used for washing containers.]~~

~~[2-](f) Storage,~~

~~[a-](i) [Any solid w]Waste[s] materials stored on the premises [shall]must be [inaccessible]located to minimize access to insects, rodents, and other animals and not cause a nuisance. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material that contains no garbage or food wastes need not be stored in covered containers, if such material is protected in an enclosure or baled[-so a litter problem or other nuisance is not created].~~

~~(ii) Tight-fitting lids, doors, or covers shall be provided on waste containers, refuse bins, compactors, and compactor systems. The lids, doors, or covers shall be kept closed except when emptying or filling. Containers, refuse bins, compactors, and compactor systems used by the school shall be easily cleanable and maintained in good repair. Containers designed with drains shall have drain plugs in place except during cleaning.~~

~~[b-](iii) If [Solid] waste storage rooms[-, if] are used, the rooms shall have walls, floors, and ceilings[be] constructed with[of] easily cleanable, nonabsorbent, washable materials[-, shall be kept] that are clean and in good repair[-, shall be insect- and rodent-proof, and shall be kept free of odors]. The doors of storage rooms shall be fitted to reduce the entrance of rodents and insects.~~

~~[e-](iv) Outside storage areas or enclosures shall be constructed of easily cleanable materials and shall be kept clean and maintained in good repair. [Solid]Outside waste containers, refuse~~

bins and compactor systems shall be [located outside shall be kept covered and properly located or -]stored on or above a smooth surface of [nonabsorbent]cleanable material, such as concrete or asphalt, that is kept clean and maintained in good repair.

~~[3-](g) Disposal,~~

~~[a-](i) [Solid w]Waste shall be disposed of often enough to prevent the development of odor and minimize the harborage[or the attraction or propagation] of insects or rodents.~~

~~[b-](ii) The disposal of all waste shall comply with all Utah Division of Solid and Hazardous Waste rules and local health department regulations[open burning of any trash, garbage or other wastes on the premises is prohibited except as provided by law].~~

~~c. No disposal of solid waste shall occur on the premises.]~~

~~[7-](11) Hazardous Wastes,~~

~~[1-]General. Disposal of -]All hazardous and regulated waste[s] disposal shall comply with the Utah [hazardous-]waste management rules and applicable local regulations.~~

~~[K-](12) [Insect and Rodent Control]Pest Management,~~

~~[1-](a) [General. Effective measures intended to minimize the presence of rodents, flies, cockroaches, bedbugs, lice, or other vermin on the premises shall be utilized. The premises shall be maintained so that propagation, harborage, or feeding of vermin is prevented.]The governing body shall minimize in school buildings or on school grounds the presence of pests that are vectors for disease, carry allergens that are likely to affect individuals with allergies or respiratory problems, or may sting or bite causing mild to serious reactions in some individuals.~~

~~(b) The governing body shall adopt integrated pest management (IPM) practices and principles to prevent unacceptable levels of pest activity with the least possible hazard to people, property, and the environment.~~

~~(c) The governing body shall have a written integrated pest management plan written by the governing body or provided by the contracted pest management contractor whether IPM is implemented as an internal process or contracted to a pest management professional. The plan shall include sections that cover the following topics: an IPM policy statement; IPM implementation and education; pest identification, monitoring procedures, reporting and control practices; approved pesticides; procedures for pesticide use; a policy for the notification of students, parents, and staff; and applicator requirements. Guidance for an IPM plan can be found in publications of the IPM Institute of North America. The Department or the Local Health Officer may require changes in a school's IPM plan if the plan neglects or causes a threat to the health or safety of the occupants of a school.~~

~~[2-](d) [Openings. Openings to the outside shall be effectively protected against the entrance of insects, rodents, and other animals. Screens for windows, doors, skylights, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than sixteen mesh to the inch.]The governing body shall use non-chemical management methods whenever possible to provide the desired control. The governing body shall use a full range of control alternatives including: identification and removal or repair of conditions that are conducive to pests; structural repair and sealing; improved sanitation; removal of clutter or harborage; elimination of food sources; exclusionary measures to protect doors, windows and any other opening to the outside against the entrance of insects, rodents, and other animals. A no-action alternative shall~~

also be considered in cases where the pest has no public health or property damage significance.

~~[3.](c) [Pesticide Application. Restricted-use pesticides shall not be used within buildings or on the grounds unless formulated and dispensed by a pesticide applicator certified by the Utah State Department of Agriculture. All labeled directions for use shall be specifically followed, and products without label directions are prohibited from use.]If the governing body chooses to not use a contracted pest control contractor, school personnel who apply pesticides shall follow the Utah Dept. of Agriculture pesticide regulation R68-7. The applicator shall apply all products according to the pesticide label directions.~~

R392-200-[6]8. Construction and Maintenance of Physical Facilities.

~~[A.](1) Floors, Walls, and Ceilings,~~

~~[1.—Construction.—]All school building[s] floors, walls, and ceilings shall be [of sound construction with floors, walls, and ceilings]constructed with materials that are durable and easily [of nonporous,]cleanable. Floors, walls, and ceilings shall be clean and[material and shall be maintained] in good condition.~~

~~[2.](2) Lighting.[—General~~

~~a. A comfortable lighting environment shall be provided in every classroom with light quality that meets the requirements of all applicable parts of this rule.~~

~~b. Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor, sufficient light intensities on instructional surfaces, including chalkboards, without causing excess intensity eyestrain.]~~

~~(a) Lighting in all parts of the school building shall have the capability to provide at least the minimum required illumination levels listed in Table I when the building is in use. Permanently fixed artificial light sources must be provided.~~

TABLE 1
MINIMUM REQUIRED ILLUMINATION LEVELS

| Task or Area | Footcandle Level/Lux |
|---|----------------------|
| General instructional areas: Study halls, art rooms, lecture rooms, libraries, and other areas | 50/538 |
| Special instructional areas: Drafting rooms, laboratories, shops, and other rooms where some fine detail work is done | 100/1076 |
| Special instruction areas: Sewing and other rooms where fine detail work is done | 100/1076 |
| Gymnasiums: Auxiliary spaces, shower rooms and locker rooms | 30/323 |
| Gymnasiums: Main recreation spaces | 50/538 |

| | |
|--|--------|
| Auditoriums, faculty and staff lunchrooms, assembly and multi-purpose rooms, and similar areas not used for classrooms | 30/323 |
| Corridors, stairs, hallways, passageways, storerooms, and similar areas | 10/108 |
| Toilet rooms | 10/108 |
| Offices | 50/538 |

~~[e.](b) All light fixtures located in shops, life skills, cafeterias, kitchens, food preparation areas, toilet rooms, shower areas, locker rooms, and gymnasiums[student areas] shall have protective shields to contain broken glass if the bulb or tube is broken or shattered[be shielded to protect the students from injury in case of bulb breakage].]~~

~~d. Light intensity ratios shall not exceed levels for surfaces causing excessive eye accommodation. Instructional areas shall have predominantly light colors to obtain low brightness ratios. Instructional areas shall not exceed the following brightness ratios:~~

- ~~(1) Between the task and immediately adjacent surfaces, including between a task and a desk top; ratio 3:1~~
- ~~(2) Between the task and more remote darker surfaces, including between a task and the floor; ratio 3:1~~
- ~~(3) Between the task and the more remote lighter surfaces, including between a task and the ceiling; ratio 1:5~~
- ~~(4) Between windows or other luminous objects and surfaces adjacent to them, except the ratio between windows and adjacent chalkboards may be exceeded; ratio 20:1~~
- ~~(5) Between the chalkboard and the wall or other visually adjacent area; ratio 1:3~~

~~e. Reflectance of the finishes in instructional areas shall be within the following range 0:~~

- ~~(1) Percentage of Reflectances~~
 - ~~(a) Ceilings - 70 to 90~~
 - ~~(b) Walls - 40 to 60~~
 - ~~(c) Floors - 30 to 50~~
 - ~~(d) Chalkboards - 15 to 20~~
 - ~~(e) Desks and equipment - 35 to 50]~~

~~[f.](c) School personnel or contracted persons shall clean and repair [l]ight fixtures[shall be cleaned and repaired,] and replace burned out bulbs or lamps[replaced] as often as necessary in order to maintain the illumination levels required in this section.]~~

~~g. Any light fixtures emitting noise at a bothersome level shall be repaired or replaced.]~~

~~[B.](3) Ventilation,[~~

~~1. General]~~

~~[a.](a) [Rooms shall be provided with natural or mechanical ventilation that admits fresh air and is sufficient to remove or prevent the accumulation of obnoxious odors, smoke, dust, and fumes. In classrooms where combustible vapors may accumulate, such vapors shall be vented either through a fume hood or by other adequate roomwide ventilation.]Ventilation throughout the school must be in accordance with the requirements of the~~

mechanical code adopted by the Utah Legislature under Section 15A-2-103.

~~b. A minimum clean air replacement of 10 cubic feet per minute per person in classrooms shall be maintained. The lining of ducts with fibrous or asbestos materials is prohibited.~~

~~c. Air vents shall be placed so no person becomes chilled or overheated in any occupied room.~~

~~2. Special Ventilation]~~

~~[a.](b) [Intake and exhaust a] Air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials. Vehicles must be prohibited from parking in areas adjacent to and close enough to building air intakes to create a vehicle exhaust hazard and nuisance inside the structure.~~

~~b. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside of the building.]~~

~~[C.](4) Heating and Cooling.~~

~~[1.](a) Heating facilities [shall] must be [properly] installed [and], vented and [shall be] maintained in a safe working condition. [Unvented] Portable combustion type space heaters [producing products of combustion] are prohibited.~~

~~[2.](b) [A] During cold weather, the governing body shall maintain the occupied areas of the school building at a temperature [of] between [68-74] 68 and 74 degrees Fahrenheit (20 and 26.3 degrees Celsius) during winter months shall be maintained in classrooms. However, on a temporary basis, during a severe winter energy crisis, the temperature may be reduced to 65 degrees F. Occupied areas of school buildings used for school activities which because of the nature of the activities require a temperature different from that of a classroom such as ice skating, aerobics, and swimming shall be maintained at the appropriate temperature for the activity. Temperatures shall also be maintained at an appropriate range for any students who qualify under the Individuals with Disabilities Education Act. [The temperature in a swimming pool area shall be warmer than the water temperature of the pool.~~

~~D. Cooling]~~

~~[1. By September 1, 1998 the school district administrator shall develop a written plan to mitigate adverse health effects of excessive heat to students and staff at each school in his district. The plan, to be called the Classroom Temperature Health Intervention Plan, for each school shall: -](c) During periods of hot weather when the outside temperature is 90 F or higher when school is in session, the governing body shall employ either an automatic temperature monitoring system or a written plan executed by assigned staff to monitor the temperature of each occupied classroom, occupied auditorium, and occupied gymnasium in a school building. The equipment used for temperature monitoring must have a full range accuracy of plus or minus two degrees Fahrenheit (1.1 degrees Celsius). The frequency of temperature measurement may vary in the programming of the automatic system or in the staff executed temperature monitoring plan based on outside temperatures but must be often enough to assure that occupied areas don't exceed temperature maximums.]~~

~~a. include district medical, environmental, engineering and health staff in the development of the plan;~~

~~b. cover school days during the period September 1 through September 15; however, annual plans after 1998 shall cover the period May 1 through September 15;~~

~~c. specify the method by which the heat health hazard level shall be determined as required in Subsection R392-200-6(D) (6);~~

~~(1) the plan must require that at least one temperature measurement be taken daily;~~

~~(a) the date, time, place, and temperature of the measurement must be recorded on a log to be kept at the school building administration office for two years. The log shall be made available to the local health officer at his request.~~

~~(b) school areas supplied by a properly operating air conditioning system are exempted from this Subsection R392-200-6(D)(1)(e);~~

~~d. identify interventions for each of the heat health hazard levels listed in tables 1 and 2, and the procedures for ensuring their timely implementation;~~

~~e. include an emergency plan in individualized health care plans for all children with special health care needs as identified by a health assessment of the student population;~~

~~f. be filed with the local health officer by October 1, 1998;~~

~~g. be updated and filed with the local health officer prior to October 1, 1999. After October 1, 1999 the plan shall be updated as changes occur in the school population or in the school facilities and at least annually.~~

~~2. The school district administrator shall ensure that the plans required in Subsection R392-200-6(D)(1) are executed effectively.~~

~~3. The school district administrator shall develop and file the plans required in Subsection R392-200-6(D)(1) with the local health officer prior to the first day of classes for a new school beginning operation after September 1, 1998.~~

~~4. The school district administrator shall prepare a written evaluation of the implementation of the plan required in Subsection R392-200-6(D)(1) and submit it to the local health officer prior to October 1, 1999.~~

~~5. The local health officer may require the school district administrator to correct a school plan required in Subsection R392-200-6(D)(1) that he determines is ineffective at preventing adverse health impacts of high heat on the students and staff of the school.~~

~~6. The school district administrator shall select one of the following two methods to determine the heat health hazard level in each school:~~

~~a. Method 1: Chart the temperature reading taken from a simple wall or hand held dry bulb thermometer into column 2 of table 1. Find the corresponding heat health hazard level in column 1;~~

~~(1) the thermometer must have a full range accuracy of plus or minus 2%;~~

~~b. Method 2: Properly use a sling psychrometer to determine the relative humidity. Chart the relative humidity into column 1 of table 2. Find the temperature reading taken from a simple wall or hand held dry bulb thermometer in one of the columns directly across from the relative humidity reading. Find the corresponding heat health hazard level at the top of the column in which the temperature is found.~~

~~(1) the thermometer must have a full range accuracy of plus or minus 2%;~~

TABLE 1
DRY-BULB INDEX

| | |
|--------------------------|--|
| Heat Health Hazard Level | Thermometer Temperature |
| Caution | 80-89.9 degrees F |
| Extreme Caution | 90-99.9 degrees F |
| Danger | greater than or equal to 100 degrees F |

TABLE 2
TEMPERATURE-HUMIDITY INDEX

| % Relative Humidity | Dry Bulb Temperature (degrees F) | |
|---------------------|----------------------------------|-----------------|
| | Caution | Extreme Caution |
| 0 | 95.0-112.9 | 113.0-131.9 |
| 10 | 89.5-107.4 | 107.5-124.4 |
| 20 | 87.5-103.4 | 103.5-118.4 |
| 30 | 86.0-99.9 | 100.0-114.9 |
| 40 | 84.0-97.4 | 97.5-111.9 |
| 50 | 82.0-95.4 | 95.5-108.9 |
| 60 | 81.5-93.4 | 93.5-106.9 |
| 70 | 78.5-91.4 | 91.5-104.9 |
| 80 | 77.5-89.9 | 90.0-103.4 |
| 90 | 76.5-88.9 | 90.0-101.4 |
| 100 | 75.0-87.4 | 87.5-99.9 |

| % Relative Humidity | Dry Bulb Temperature (degrees F) |
|---------------------|----------------------------------|
| | Danger |
| 0 | greater than or equal to 132.0 |
| 10 | greater than or equal to 125.0 |
| 20 | greater than or equal to 119.0 |
| 30 | greater than or equal to 115.0 |
| 40 | greater than or equal to 112.0 |
| 50 | greater than or equal to 109.0 |
| 60 | greater than or equal to 107.0 |
| 70 | greater than or equal to 105.0 |
| 80 | greater than or equal to 103.5 |
| 90 | greater than or equal to 101.5 |
| 100 | greater than or equal to 100.0 |

7. The school building administrator shall ensure that the local health officer is notified immediately when:

a. the heat health hazard level of Danger is reached anywhere inside the school where students or staff are present for an hour or longer; or

b. on the same day two incidents occur in the school where health symptoms, such as heat stroke, cramps and heat exhaustion, may have been caused by heat and a heat health hazard level of Caution, Extreme Caution, or Danger has been recorded in the school.]

(i) If the temperature readings taken in the classrooms, auditorium, or gymnasium are above 90 degrees Fahrenheit (36.3 degrees Celsius), the time shall be recorded and the temperature continuously monitored by the automatic system or the person measuring the temperature. If the temperature remains above 90 degrees Fahrenheit (36.3 degrees Celsius) for 90 consecutive minutes, the automatic system or person performing the monitoring shall alert the person in charge of the school and the person in charge shall order the removal of all students from the affected

areas of the school. The governing body shall not allow students to return to affected areas until the temperature is at or below 79 degrees Fahrenheit (26.1 degrees Celsius). If there are insufficient areas of the school to accommodate students at temperatures below 90 degrees Fahrenheit (36.3 degrees Celsius), then school officials shall provide an alternative environment that meets the above temperature requirement such as providing alternative instructional activities or employing portable cooling equipment. School officials shall notify parents of children with special health care needs.

(ii) The governing body shall have a written plan that identifies any groups of students that are unusually vulnerable to elevated temperatures and describes actions that will be taken when the recorded temperature in occupied classrooms, auditoriums or gymnasiums reaches 80 degrees Fahrenheit (26.7 degrees Celsius) and above. The written plan may be part of the school's emergency response plan.

[E-](5) Maintenance of Heating, Ventilation and Air Conditioning Equipment.

[1. The school building administrator has final responsibility to ensure that the](a) The governing body shall have qualified in-house or contracted service technicians conduct a heating, ventilating, and air-conditioning system inspection and necessary maintenance activities according to manufacturer recommendations [are conducted] at proper time intervals [according to the manufacturer's recommendations with qualified in-house or contracted service technicians to provide peak performance of all equipment and systems].

(b) If the school has a boiler or other mechanical units required to be inspected and certified for use, the governing body shall make sure that the most recent boiler inspection certificate is posted in the boiler room. The certificate must be issued by the Utah Division of Boiler and Elevator Safety or an inspector who has been approved and deputized by the Division of Boiler and Elevator Safety.

[F-](6) Cleaning Physical Facilities.]

1. General

a. Floors shall be cleaned at least daily.]

[b-](a) [W]The governing body shall make sure that floors, walls, ceilings, and attached equipment [shall be]are kept clean.]

c. Hose bibs with back flow prevention devices shall be provided with running water for washing walkways, courts, passageways, and other common use areas.]

[2-](b) [Utility Facility.-]In new or extensively remodeled [facilities]schools, at least one utility sink or curbed [cleaning facility with a]floor sink [drain]shall be located on each floor [and used]. The governing body shall make sure personnel who perform cleaning tasks use this area for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of [lavatories]handwashing sinks for this purpose is prohibited.

[3-](7) Custodian Closets.

[a-](a) Custodial closets, equipment and supply storage rooms shall be kept clean and orderly and shall be kept locked if toxic supplies are present.

[b-](b) [Separate-s]Storerooms or cabinets shall be provided for cleaning materials, pesticides, paints, flammables, or other hazardous or toxic chemicals, and for tools and maintenance

equipment. Materials incompatible due to potential contamination or potential chemical reactions shall be separated from one another. These areas shall be kept locked and not used for ~~no~~any other purpose that is incompatible with the materials stored and shall comply with the ~~[Uniform Fire Code]fire code and any state amendments to the fire code that have been adopted by the Utah State Legislature.~~

~~[e-](c)~~ Oiled mops, dust cloths, rags, and other materials subject to spontaneous combustion shall be properly stored in approved fire resistant containers as required by the ~~[Uniform Fire Code]fire code and any state amendments to the fire code that have been adopted by the Utah State Legislature.~~

R392-200-~~[7]9. Health and Safety.~~

~~[A-](1) Health,~~

~~[1-](a)~~ A centrally located room or area~~[, with a readily accessible phone, shall be available]~~ for emergency use in providing care for persons who are ill, injured or suspected of having any contagious disease must be located in each school. In ~~[new structures]schools built after 1987,~~ a clinic room ~~[shall]must~~ be provided and shall have ~~[lavatory facilities]a handwashing sink~~ with hot and cold running water, soap, individual towels, first aid supplies, and lockable cabinet space for storage of first-aid supplies. Clinic rooms or areas used for emergency treatment and first-aid shall be kept clean~~[, orderly,]~~ and maintained in good repair. ~~[A school nurse or other appropriately trained individual shall be on the premises and available during normal school hours.]The governing body shall have a written plan or policy available for review upon request by the local health department that states how a nurse or doctor can be contacted at any time the school is in session. Prior agreement shall have been made with the doctor or nurse to ensure availability.~~ In addition, at least two designated individuals shall be [available]on site that have [an approved current basic first-aid certificate]a current Red Cross basic first aid and CPR certificate or equivalent training approved by the governing body.

~~(b)~~ The governing body of each school shall ensure that:

~~[2-](i)~~ ~~[E]each emergency care room or clinic area [shall be]is~~ provided with a cot or bed that has[, and each cot or bed shall have] a [washable]cleanable surface[;] or cover[;];

~~(ii)~~ ~~[or be provided with-]disposable bedding is changed after [sheets and pillowcases for-]each [user]person's use; and[;]~~

~~(iii)~~ ~~[M]multi-use sheets or covers[, if used, shall be] are laundered after each person's use.[~~

~~3.~~ Prescription medications shall be present only on an individual prescription basis and shall be administered only as prescribed by appropriate personnel.

~~[4-](c)~~ All prescription or over the counter medication administered by school personnel, and records required by 53A-11-601 shall be stored in a secure refrigerator, [locked-]drawer, or cabinet accessible only by those authorized to administer the medication.

~~[5-](d)~~ ~~[Specified]If a school has specified sleeping areas, the school shall provide these areas[be provided] with [sleeping facilities including-]cots, mats, or floor pads. [Washable or disposable]Reusable covers[,-if] supplied by the school[,-shall] must be easily cleanable and maintained in good repair. When in use, [-and shall be washed at] the covers must be cleaned between each user and at least weekly[-and before reissue]. Disposable covers must be discarded after each use.~~

~~[6-](e)~~ In ~~[injury-]high risk injury areas [such as, but not limited to,]including shops, laboratories, places where theater props and scenery are built,[-home economies,]life skills, playgrounds, and gymnasiums, the instructor [shall have an]must possess at a minimum, a [approved-]current Red Cross basic first-aid certificate, or equivalent as determined by the governing body, and must be on site at all times when classes are being held. A readily accessible first-aid kit that is appropriate for the risks in the area must[shall] be available at the school[in each high risk classroom area, and shall be maintained in good condition]. School buses shall also carry a first aid kit and bus drivers shall have a current Red Cross basic first aid certificate, or equivalent training as determined by the governing body.~~

~~[B-](2) Safety,~~

~~[1-](a)~~ Instructional, athletic, or recreational equipment shall be kept clean, safe, and in good repair.~~[—Body contact equipment surfaces shall be routinely cleaned and sanitized at least weekly to minimize the potential of disease transmission.~~

~~2.~~ Recreational equipment shall not have open-ended hooks, moving parts that could pinch or crush fingers, sharp edges or rough surfaces, or form rings or angles with a diameter more than 5 inches but less than 10 inches.]

~~[3-](b)~~ ~~[Outside recreational]Playground equipment shall be installed and maintained in accordance with the Handbook for Public Playground Safety, U.S. Consumer Product Safety Commission, Publication Number 325, April 2008 Revision[other than swings shall be placed so that the intended activity has at least 10 feet clearance from fences, buildings, or other stationary objects that may cause injury. Swings shall have at least 16 feet clearance from objects that may cause injury].]~~

~~4.~~ Play equipment shall have handrails.

~~5.~~ Recreational equipment that requires anchoring for its use, shall be securely anchored to the ground. Anchoring devices shall not protrude above ground level.]

~~[6-](c)~~ Handrails ~~[shall be properly installed-]on stairways, ramps, and outside steps[, and] shall be in compliance with the building code adopted by the Utah Legislature under Section 15A-2-103, and shall be properly maintained[good repair].~~

~~[7-](d)~~ A master shut-off valve to flammable g[G]as supply lines ~~[serving]in science laboratories, [home economies]life skills areas, shops, and other rooms that utilize gas supply lines, shall be readily accessible to instructors for emergency shut off[utilizing multiple outlets shall have a master shut-off valve that is readily accessible].~~

~~[8-](e)~~ A master electric shut off switch shall be readily accessible to instructors in ~~[Home economies]life skills areas, shop[s] classrooms, applicable art rooms, [offices-]and labs where [other rooms using-]electrically operated instructional equipment are present that may be a safety hazard to the operator[shall be supplied with a master electric switch readily accessible].~~

~~[9-](f)~~ All instructional shop[s] classrooms, art rooms, craft rooms, and laboratories shall be kept clean~~[, orderly,]~~ and ~~[in a sanitary]maintained in good condition.~~ Cleaning and sweeping of these rooms shall be done in a way to minimize dust~~[that contamination of the air is minimized].~~

~~[10-](g)~~ The governing body of the school shall ensure that specific safety directions accompany s[S]ubstances that are deemed potentially harmful or hazardous to the health[;] and safety[and welfare] of ~~[instructors and/or students]individuals~~ who use

them. ~~The directions shall include [shall be accompanied by specific directions with respect to] the proper use, storage, handling and disposal of the substance [such supplies] and [to] the potential risks or hazards associated with [such supplies] the substance. Designated personnel shall ensure that Material Safety Data Sheets (MSDS) for all chemicals used at the school are available at all times for review by staff or students that use the product and for review by the local health or safety inspectors during inspections.~~

~~[11-](h) In high risk injury areas, the class instructor shall ensure that p[P]rovisions, including the development and posting of operating instructions, regulations, or procedures [for students shall be] are posted and reviewed [in class in industrial arts, physical sciences, or vocational educational areas using equipment or hazardous devices] by students in these areas. [Such instructions shall be written at a sixth grade reading level.] Students must demonstrate to the instructor knowledge of and safety practices for each piece of equipment prior to any use by the student. The instructor shall ensure that all safety guards are in place and operational on shop equipment.~~

~~[12-](i) The class instructor shall train and direct students operating power equipment to not wear [E] loose clothing including [but not limited to,] ties, lapels, cuffs, torn clothing or similar garments that can become entangled in [moving machinery shall not be worn when operating] power equipment.~~

~~[13-](ii) The class instructor shall train and direct students that w[W]rist watches, rings, or other jewelry [shall] are not to be worn in any class where they constitute a safety hazard.~~

~~[14-](iii) The class instructor shall train and direct s[S]tudents to restrain [shall confine] their hair [;] if there is a risk of hair entanglement in moving parts of [machinery] power equipment.~~

~~[15-](iv) The governing body shall sufficiently control e[E]xposure to noise [or], toxic dusts, gases, mists, fumes, or vapors [shall be sufficiently controlled] so that a health hazard does not occur [and shall be in accordance with Utah Occupational, Safety, and Health Administration (OSHA) requirements and applicable local regulations].~~

~~[16-](v) The class instructor shall ensure that appropriate [Approved] safety equipment is available and train and direct students to wear it while [including, but not limited to, aprons, gloves, and safety glasses, shall be available to and worn by all students] engaged in activities where there is exposure to hazardous conditions.~~

~~[17-](vi) Safety zones [consistent with OSHA requirements] shall be [marked] outlined on the floor around areas of equipment where there is danger of possible injury to students.~~

~~[18-](vii) [If there is exposure to skin or eye contamination with] Emergency shower or eyewash stations shall be readily available in areas where there is a potential for accidental exposure to corrosive, poisonous, infectious, or irritating materials [; an emergency shower and a lavatory with hot and cold running water, soap, and towels or an eye wash fixture shall be available]. [Self-closing, slow-closing, or metered faucets are prohibited.] The area around this safety equipment shall be kept free of clutter and encumbrances to its immediate use. The design and installation of emergency shower and eyewash stations shall meet the plumbing code adopted by the Utah legislature under Section 15A-2-103.~~

~~19. If there is exposure to infectious organisms, a lavatory with hot and cold running water, soap, and towels shall be available.~~

~~20. Where appropriate, a laboratory, auto shop, wood shop, and other such classrooms shall be equipped with an approved fume hood and the required make-up air system meeting applicable national design standards.~~

~~21. Facilities shall be available for the proper storage of clothing and of athletic, instructional, and recreational equipment and supplies.~~

~~22. Cleaning materials, tools, and maintenance equipment shall be safely stored.~~

~~[23-](i) Poisonous, dangerous or otherwise harmful plants [and/or] animals shall not be [located in classrooms] kept on the school premises unless it is in conjunction with a course curriculum. Poisonous or toxic plants must be labeled with their scientific name, and a warning sign posted describing the health risks and first aid instructions for skin contact or ingestion. A warning sign shall be posted on the confining area of animals which are likely to carry disease; the sign shall state the disease causing organisms the animal is likely to be infected with and precautions to people should take to avoid disease.~~

~~[24-](j) [Toxic or hazardous materials including, but not limited to, chemicals, poisons, corrosive substances, or f] [flammable liquids, [shall] must be stored in a [ventilated,] locked fire resistant area with access only by [authorized] school assigned personnel. [Such] The storage area shall comply with [Uniform Fire Code and National Fire Protection Association requirements] the Utah state fire code and rules.~~

~~[25-](k) Oxygen, acetylene, and other high pressure cylinders shall be secured, including empty cylinders, [shall be properly secured and stored] from tipping over. [The] Safety valve hoods shall be kept in place when the tanks are not in use. Unless staged on a welding cart for use, empty or full oxygen and acetylene gas cylinders must be segregated by at least 20 feet or by a fire wall with a 30 minute rating at least five feet high.~~

~~[26-](l) No flammable, explosive, toxic, or hazardous liquids, gases, or chemicals shall be placed, stored, or used in any building or part of a building used for school purposes, except in approved quantities as necessary for use in laboratories, instructional shop[s] classes, and [approved] utility rooms. [Such] Hazardous liquids [;] or gases [; or chemicals] shall be [kept] stored in tightly sealed containers and hazardous liquids, gases, and chemicals shall be stored in locked safety cabinets or [approved] locked storage rooms when not in [actual] use.~~

~~(m) Electrical wiring and components shall be maintained in good repair. Electrical panels must maintain a three foot clearance free of obstructions.~~

R392-200-~~8~~10. [Inspection and Enforcement] Access.

A. Inspection Frequency

~~1. An inspection of a school shall be performed at least once every six months. Additional inspections of the school shall be performed as often as necessary for the enforcement of this rule.~~

~~2. Whenever a school is constructed or extensively remodeled, the owner or person in charge thereof shall notify the Department or local health officer having jurisdiction, to arrange for an inspection of the school facilities prior to being put into use in order to determine compliance with this rule.~~

~~[B. Access.] The [Director,] local health [officer] department [; or their] representative, after showing proper identification, shall be [permitted] granted access to enter any school~~

at any reasonable time for the purpose of making inspections to determine compliance with this rule.]

~~C. Report of Inspections. Whenever an inspection of a school is made, the findings shall be recorded on an inspection report form acceptable to the Director.~~

~~D. Correction of Violations. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified.~~

~~E. Enforcement~~

~~1. The Director and local health officer are charged with the enforcement of the provisions of this rule.~~

~~2. The provisions of this rule shall not prevent any city, county, or city and county health department or district from adopting and enforcing standards of sanitation, health, safety, and hygiene for schools more strict than those contained in this rule.~~

~~3. Primary enforcement of this rule shall be the responsibility of the local health department. The Director shall periodically review and determine the adequacy of enforcement by local health departments and cooperate with and provide assistance to local health departments if he determines enforcement by a local health department is inadequate.~~

~~4. The Director or the local health officer may, if he determines a serious health hazard exists, order closed all or part of a school.]~~

KEY: public health, schools

Date of Enactment or Last Substantive Amendment: [February 16, 2011]2013

Notice of Continuation: January 20, 2012

Authorizing, and Implemented or Interpreted Law: 26-15-2

**Health, Family Health and
Preparedness, Children With Special
Health Care Needs
R398-15
Autism Treatment Account**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 37809
FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify legislative intent to implement the Autism Treatment Account.

SUMMARY OF THE RULE OR CHANGE: This rule change modifies the age of qualification for services from "younger than six" to "younger than seven". This change, therefore, extends eligibility for services through six years of age.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-52-201

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No change--Costs include staff time to administer the account and volunteer time from committee members to serve an advisory role, develop application process and review applications from treatment providers, and monitor reports from providers.

◆ **LOCAL GOVERNMENTS:** No change--Funds will be disbursed through treatment providers to eligible children.

◆ **SMALL BUSINESSES:** No change--Cost: Time for providers to prepare applications to receive funds to treat eligible children. As this is a new program, the Department does not have records to indicate cost burden or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Children receiving therapy may extend services up to age seven. Cost to families: Time to identify contracted providers and enroll children for treatment. Savings to families: Treatment will be provided free to families up to the full amount appropriated. The Department has estimated approximately 30 children will receive services through the current amount appropriated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No change--Current providers will continue to offer services to children but will now be able to extend those services to children up to age seven. Cost to providers and families: time to complete application processes involved.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No effect on businesses--More individuals will be eligible to receive services so there will be more opportunity for provider reimbursement.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
44 N MARIO CAPECCHI DR
SALT LAKE CITY, UT 84113
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rebecca Giles by phone at 801-538-6259, or by Internet E-mail at rgiles@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R398. Health, Family Health and Preparedness, Children with Special Health Care Needs.

R398-15. Autism Treatment Account.

R398-15-1. Purpose and Authority.

The purpose of this rule is to identify criteria and procedures for selecting children who may qualify for assistance from the account and identify qualifications, criteria, and procedures for selecting service and treatment providers that receive disbursements from the Autism Treatment Restricted Account.

This rule is authorized by Section 26-52-202(4) which provide that the Autism Treatment Account Advisory Committee, hereafter known as the "Committee", may make rules governing the Committee's activities.

R398-15-2. Qualification Criteria and Procedures for Selecting Children Who May Qualify for Assistance from the Account.

(1) Qualification Criteria

- a. Child who is at least two but younger than ~~[six]~~seven years of age upon enrollment,
- b. Resident of Utah,
- c. Diagnosed by a qualified professional as having an autism spectrum disorder, and
- d. Have a need that can be met within the requirements of UCA 26-52,
 - i. Must need and be able to receive a minimum of six months of applied behavior analysis (ABA) therapy, and
 - ii. Cannot be receiving formal ABA therapy services from other state funded sources under this law (Medicaid Waiver or PEHP) or ABA therapy for a minimum of 20 hours per week covered at 80 percent or more of cost of treatment by other insurance while receiving services funded through this account.

(2) Procedures for selecting children

- a. Providers selected through the request for application (RFA) process are responsible for enrollment and determining if a child meets qualification criteria utilizing UDOH enrollment forms for children
- b. If applications for enrollment of children exceeds capacity of this funding, providers shall select children using a random process

R398-15-3. Qualifications, Criteria and Procedures for Evaluating Service and Treatment Providers to Include in the Program.

(1) Providers are qualified to receive funds if:

- a. They utilize ABA for treatment alone or in conjunction with other proven effective treatments as outlined in an RFA process;
- b. Treatment is provided by or supervised by a board certified behavior analyst or licensed psychologist with equivalent university training and supervised experience who is working toward board certification in ABA;
- c. They are willing to collaborate with existing telehealth networks to reach children in rural and underserved areas of the state;
- d. They utilize methods to engage family members in the treatment process; and
- e. They agree to serve and treat only eligible children with this funding.

(2) Procedures for evaluating providers

- a. Funding requests to the Committee from providers will be made on a standard RFA which will be developed and authorized by the Committee and made available by the Department

b. Providers that meet the minimum requirements in Subsection 3.1., will be evaluated for funding by a review committee.

c. Criteria used to select providers for funding will include:

- i. Per eligible child cost for treatment proposed by provider;
- ii. Provider or organization's background and qualifications;
- iii. Description of treatment and services to be provided;
- iv. Additional consideration will be given to those with existing connections to telehealth or evidence of written policies and procedures for providing ABA services via telehealth; and
- v. Additional consideration will be given to those who show evidence of providing services in rural and underserved communities.

(3) Funded providers will submit required reports as outlined in the RFA to UDOH/Committee on use of funds, two of which shall include:

a. Detailed description of how provider will report evaluation of benefits and outcomes for children receiving services; and

b. Monthly invoice and justification of expenditures consistent with uses as specified in UCA 26-52.

(4) RFAs will be authorized contingent on funds available.

R398-15-4. Conflict of Interest within the Advisory Committee.

(1) Committee members will sign a conflict of interest form identifying affiliations with providers that apply for funding from the Autism Treatment Account, and/or known family members that may receive treatment or evaluation services directly funded through the Autism Treatment Account from a provider that has submitted an application for funding. The conflict of interest form will be signed prior to review of funding requests.

(2) If an issue is to be decided by the Advisory Committee that involves potential conflict of interest with a member of the committee, it is the responsibility of the member to:

a. Identify the potential conflict of interest.

b. Not participate in discussion of the program or motion being considered.

c. Not vote on the issue.

(3) It is the responsibility of the Committee to:

a. Award funds based on quality of application regardless of committee affiliation.

b. Record in the minutes of the Advisory Committee Meeting the potential conflict of interest, and the use of the procedures and criteria of this policy.

KEY: autism treatment, applied behavior analysis (ABA), autism spectrum disorders

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

Authorizing, and Implemented or Interpreted Law: 26-52-201; 26-52-202

Health, Family Health and
Preparedness, Child Care Licensing
R430-6-3
Submission of Background Screening
Information

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37774

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language related to individuals not required to submit fingerprints to align our rules with H.B. 165 (2013 General Legislative Session).

SUMMARY OF THE RULE OR CHANGE: The proposed change clarifies who is not required to submit fingerprints according to our rules and to H.B. 165 (2013).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Some state agencies operate or sponsor child care programs. If these programs were regulated before 07/01/2013, the Department will not anticipate that this rule will result in any new costs or savings to these programs because they will be grandfathered under H.B. 165. However, if there are any new programs regulated after 06/30/2013, they will have to comply with the new fingerprint requirement. Since the division cannot predict the creation of new child care programs operated by state agencies, the division cannot anticipate the costs this change will present.

◆ **LOCAL GOVERNMENTS:** Some local governments operate or sponsor child care programs. If these programs were regulated before 07/01/2013, the Department will not anticipate that this rule will result in any new costs or savings to these programs because they will be grandfathered under H.B. 165. However, if there are any new programs regulated after 06/30/2013, they will have to comply with the new fingerprint requirement. Since the division cannot predict the creation of new child care programs operated by local governments, the division cannot anticipate the costs this change will present.

◆ **SMALL BUSINESSES:** Almost all child care facilities are small businesses. If these programs were regulated before 07/01/2013, the Department will not anticipate that this rule will result in any new costs or savings to these programs because they will be grandfathered under H.B. 165. However, if there are any new programs regulated after 06/30/2013, they will have to comply with the new fingerprint requirement. Since the division cannot predict the creation of new child care programs operated as small businesses, the division cannot anticipate the costs this change will present.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change may result in new costs to child care programs operated by businesses, individuals, local governments, and persons that are not small businesses. If these programs were regulated before 07/01/2013, the Department will not anticipate that this rule will result in any new costs or savings

to these programs because they will be grandfathered under H.B. 165. However, if there are any new programs regulated after 06/30/2013, they will have to comply with the new fingerprint requirement. Since the division cannot predict the creation of new child care programs, the division cannot anticipate the costs this change will present.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change will only affect new facilities regulated after 06/30/2013. The costs for preparing a fingerprint card to be submitted to the Department may vary according to the agency the provider uses. The FBI currently charges \$36.50 for fingerprint check. Some facilities have their employees pay for this fee while others assume these costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change may create a small additional charge for new child care programs but should not pose any significant barriers to entry.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.**R430-6. Background Screening.****R430-6-3. Submission of Background Screening Information.**

(1) Each applicant requesting a new or renewal child care license or residential certificate must submit to the Department the name and other required identifying information on all covered individuals.

(a) Unless an exception is granted under Subsection (4) below, the applicant shall ensure that the identifying information submitted for all individuals age 18 and older includes a fingerprint card and fee.

(b) The fingerprint card must be prepared either by a local law enforcement agency or an agency approved by local law enforcement.

(2) The applicant shall state in writing, based upon the applicant's information and belief, whether each covered individual:

(a) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor.

(b) has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or misdemeanor;

(c) has ever had a supported finding by the Department of Human Services, or a substantiated finding from a juvenile court, of abuse or neglect of a child.

(3) Within five days of a new covered individual beginning work at a child care facility or moving into a licensed or certified home, or a child turning 12 who resides in the facility where care is provided, the licensee or certificate holder must submit to the Department the name and other required identifying information for that individual.

(a) Unless an exception is granted under Subsection (4) below, the licensee or certificate holder shall ensure that the identifying information submitted for all individuals age 18 and older includes a fingerprint card and fee.

(b) The fingerprint card must be prepared either by a local law enforcement agency or an agency approved by local law enforcement.

~~[(4) Fingerprint cards are not required if:~~

~~(a) the covered individual has resided in Utah continuously for the past five years;~~

~~(b) the covered individual is less than 23 years of age, and has resided in Utah continuously since the individual's 18th birthday; or~~

~~(c) the covered individual has previously submitted fingerprints under this section for a national criminal history record check and has resided in Utah continuously since that time.~~

~~](4)(a) Fingerprint cards are not required if:~~

~~(i) the covered individual has resided in Utah continuously for the past five years, or is less than 23 years of age and has resided in Utah continuously since the individual's 18th birthday; and~~

~~(ii) The covered individual will only be involved with child care in a facility that was licensed or certified prior to 1 July 2013.~~

~~(b) A covered individual who has previously submitted a fingerprint card under this section for a national criminal history record check and has resided in Utah continuously since that time is not required to submit a fingerprint card.~~

KEY: child care facilities, background screening
Date of Enactment or Last Substantive Amendment: [January 1,] 2013
Notice of Continuation: August 3, 2012
Authorizing, and Implemented or Interpreted Law: 26-39

**Health, Family Health and
Preparedness, Child Care Licensing
R430-50-7
Personnel**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37775

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language about child abuse and neglect.

SUMMARY OF THE RULE OR CHANGE: The proposed change enhances the meaning of child abuse to include child sexual abuse as a required topic.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** No state agencies operate in-home child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.

♦ **LOCAL GOVERNMENTS:** No local governments operate in-home child care programs, so there are no anticipated costs or savings to local governments associated with this rule change.

♦ **SMALL BUSINESSES:** Almost all child care facilities are small businesses. However, because this amendment would not remove or add to any of the requirements for child care programs, the Department does not anticipate that this rule will result in any new costs or savings to child care programs.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because this amendment does not add to or remove any of the requirements for child care providers, the Department does not anticipate any new costs or savings to entities or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The inclusion of this language will not create any new legal burdens or financial burdens on providers.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-50. Residential Certificate Child Care.

R430-50-7. Personnel.

(1) The certificate holder and all substitutes must:

- (a) be at least 18 years of age; and
- (b) have knowledge of and comply with all applicable laws and rules.

(2) The certificate holder may make arrangements for a substitute who is at least 18 years old and who is capable of providing care, supervising children, and handling emergencies in the absence of the certificate holder.

(3) Substitutes who care for children an average of 10 hours per week or more shall meet the first aid and CPR requirements of this rule.

(4) In an unforeseeable emergency, such as a medical emergency requiring immediate care at a hospital or at an urgent care center or a lost child, the certificate holder may assign an emergency substitute who has not had a criminal background screening to care for the children. The certificate holder may use an emergency substitute for up to 24 hours for each emergency event.

(a) The emergency substitute shall be at least 18 years of age.

(b) The emergency substitute is not required to meet the training, first aid and CPR, and TB screening requirements of this rule.

(c) The emergency substitute cannot be a person who has been convicted of a felony or misdemeanor or has been investigated for abuse or neglect by any federal, state, or local government agency. The emergency substitute must provide a signed, written declaration to the certificate holder that he or she is not disqualified under this subsection.

(d) During the term of the emergency, the emergency substitute may be counted as a provider for the purpose of maintaining the required provider to child ratios.

(e) The certificate holder shall make reasonable efforts to minimize the time that the emergency substitute has unsupervised contact with the children in care.

(5) Any new non-emergency substitute or volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the individual's file and shall include the following topics:

- (a) the certificate holder's emergency and disaster plan;
- (b) the current child care certificate rules found in Sections R430-50-11 through 24;

(c) a review of the information in the health assessment for each child in care;

(d) procedure for releasing children to authorized individuals only;

(e) proper clean up of body fluids;

(f) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(g) obtaining assistance in emergencies; and

(h) if the certificate holder accepts infants or toddlers for care, orientation training topics shall also include:

(i) preventing shaken baby syndrome and coping with crying babies; and

(ii) preventing sudden infant death syndrome.

(6) The certificate holder shall complete a minimum of 10 hours of child care training each year, based on the certificate date. A minimum of 5 hours of the required annual training shall be face-to-face instruction.

(a) Documentation of annual training shall be kept on file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.

(b) Annual training hours shall include the following topics at least once every two years:

(i) a review of all of the current child care certificate rules found in Sections R430-50-11 through 24;

(ii) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(iii) principles of child growth and development, including development of the brain; and

(iv) positive guidance; and

(c) if the certificate holder accepts infants or toddlers for care, required training topics shall also include:

(i) preventing shaken baby syndrome and coping with crying babies; and

(ii) preventing sudden infant death syndrome.

KEY: child care facilities, residential certification

Date of Enactment or Last Substantive Amendment: [January 1,] 2013

Notice of Continuation: May 29, 2013

Authorizing, and Implemented or Interpreted Law: 26-39

**Health, Family Health and
Preparedness, Child Care Licensing
R430-60-7
Personnel**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 37777

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language about child abuse and neglect.

SUMMARY OF THE RULE OR CHANGE: The proposed change enhances the meaning of child abuse to include child sexual abuse as a required topic.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No state agencies operate hourly child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.
- ◆ **LOCAL GOVERNMENTS:** Some local governments operate hourly care programs. The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Almost all hourly child care programs are small businesses. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to entities or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The inclusion of this language will not create any new legal burdens or financial burdens on providers.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-60. Hourly Child Care Centers.

R430-60-7. Personnel.

(1) The center must have a director who is at least 21 years of age and who has one of the following:

(a) an associates, bachelors, or graduate degree in child development, early childhood education, elementary education, or recreation from an accredited college;

(b) a college degree in a related field with documented four courses of higher education completed in child development;

(c) valid proof of a level 8, 9, or 10 Utah Early Childhood Career Ladder certification issued by the Utah Office of Child Care or the Utah Child Care Professional Development Institute;

(d) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other credential that the licensee demonstrates as equivalent to the Department; or

(e) a currently valid National Administrator Credential (NAC) issued by the National Child Care Association, plus one of the following:

(i) valid proof of successful completion of 12 semester credit hours of early childhood development courses from an accredited college; or

(ii) valid proof of completion of the following six Utah Early Childhood Career Ladder courses offered through Child Care Resource and Referral: Child Development Ages and Stages, Learning in the Early Years, A Great Place for Kids, Strong and Smart, Learning to Get Along, and Advanced Child Development.

(f) two years experience in child care, elementary education, or a related field.

(2) All caregivers included in the required caregiver to child ratios shall be at least 18 years of age.

(3) A volunteer may be included in the provider to child ratio only if the volunteer meets all of the caregiver requirements of this rule.

(4) Each new director, assistant director, caregiver, and volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the caregiver's file and shall include the following topics:

(a) specific job responsibilities;

(b) the center's emergency and disaster plan;

(c) the current child care licensing rules found in Sections R430-60-11 through 24;

(d) procedure for releasing children to authorized individuals only;

(e) proper clean up of body fluids;

(f) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(g) obtaining assistance in emergencies, as specified in the center's emergency and disaster plan.

(h) If the center provides infant or toddler care, new caregiver orientation training topics shall also include:

(i) preventing shaken baby syndrome and coping with crying babies; and

(ii) preventing sudden infant death syndrome.

(5) The following individuals shall complete a minimum of 10 hours of child care training each year, based on the center's license date:

(a) the director;

(b) all caregivers;

(c) all substitutes who work an average of 10 hours a week or more, as averaged over any three month period; and

(d) all volunteers that the provider includes in the provider to child ratio.

(6) Documentation of annual training shall be kept in each caregiver's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.

(7) Caregivers who begin employment partway through the license year shall complete a proportionate number of training hours based on the number of months worked prior to the center's relicensure date.

(8) Annual training hours shall include the following topics:

(a) the current child care licensing rules found in Sections R430-60-11 through 24;

(b) a review of the center's policies and procedures and emergency and disaster plans, including any updates;

(c) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(d) principles of child growth and development, including development of the brain; and

(e) positive guidance.

(9) If the center provides infant or toddler care, annual training topics for the center director and all infant and toddler caregivers shall also include:

(a) preventing shaken baby syndrome and coping with crying babies; and

(b) preventing sudden infant death syndrome.

(10) A minimum of 5 hours of the required annual in-service training shall be face-to-face instruction.

KEY: child care facilities, hourly child care centers

Date of Enactment or Last Substantive Amendment: [January 1,] 2013

Notice of Continuation: May 29, 2013

Authorizing, and Implemented or Interpreted Law: 26-39

**Health, Family Health and
Preparedness, Child Care Licensing
R430-70-7
Personnel**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 37778
FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language about child abuse and neglect.

SUMMARY OF THE RULE OR CHANGE: The proposed change enhances the meaning of child abuse to include child sexual abuse as a required topic.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No state agencies operate out of school time child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.

◆ **LOCAL GOVERNMENTS:** Some local governments operate out of school time child care programs. The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to local government.

◆ **SMALL BUSINESSES:** Almost all out of school time child care programs are small businesses. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to entities or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The inclusion of this language will not create any new legal burdens or financial burdens on providers.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-70. Out of School Time Child Care Programs.

R430-70-7. Personnel.

(1) The program must have a director who is at least 21 years of age and who has one of the following educational credentials:

(a) an associates, bachelors, or graduate degree from an accredited college and successful completion of at least 12 semester credit hours of coursework in childhood development, elementary education, or a related field;

(b) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other credential that the licensee demonstrates as equivalent to the Department; or

(c) a currently valid National Administrator Credential (NAC) issued by the National Child Care Association, plus one of the following:

(i) valid proof of successful completion of 12 semester credit hours of coursework in childhood development, elementary education, or a related field; or

(ii) valid proof of completion of the following six Utah Career Ladder courses offered through Child Care Resource and Referral: Child Development: Ages and Stages; Advanced Child Development; School Age Course 1; School Age Course 2; School Age Course 3; and School Age Course 4.

(2) All caregivers shall be at least 18 years of age.

(3) All assistant caregivers shall be at least 16 years of age, and shall work under the immediate supervision of a caregiver who is at least 18 years of age.

(4) Assistant caregivers may be included in caregiver to child ratios, but shall not be left unsupervised with children.

(5) Assistant caregivers shall meet all of the caregiver requirements under this rule, except the caregiver age requirement of 18 years.

(6) Whenever there are more than 8 children at the program, there shall be at least two caregivers present who can demonstrate the English literacy skills needed to care for children and respond to emergencies. If there is only one caregiver present because there are 8 or fewer children at the program, that caregiver must be able to demonstrate the English literacy skills needed to care for children and respond to emergencies.

(7) Each new director, assistant director, caregiver, assistant caregiver, and volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented and shall include the following topics:

(a) job description and duties;

(b) the program's written policies and procedures;

(c) the program's emergency and disaster plan;

(d) the current child care licensing rules found in Sections R430-70-11 through 22;

(e) introduction and orientation to the children assigned to the caregiver;

(f) a review of the information in the health assessment for each child in their assigned group;

(g) procedure for releasing children to authorized individuals only;

(h) proper clean up of body fluids;

(i) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(j) obtaining assistance in emergencies, as specified in the program's emergency and disaster plan.

(8) The program director, assistant director, all caregivers, and substitutes who work an average of 10 hours a week or more, as averaged over any three month period, shall complete a minimum of 2 hours of training for each month during which they are employed, or 20 hours of training each year, based on the program's license date.

(a) Documentation of annual training shall be kept in each caregiver's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.

(b) Annual training hours shall include the following topics:

(i) a review of the current child care licensing rules found in Sections R430-70-11 through 22;

(ii) a review of the program's written policies and procedures and emergency and disaster plans, including any updates;

(iii) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(iv) principles of child growth and development, including development of the brain; and

(v) positive guidance.

(9) A minimum of 10 hours of the required annual in-service training shall be face-to-face instruction.

KEY: child care facilities, child care, child care centers, out of school time child care programs

Date of Enactment or Last Substantive Amendment: [January 1,] 2013

Authorizing, and Implemented or Interpreted Law: 26-39

**Health, Family Health and
Preparedness, Child Care Licensing
R430-90-7
Personnel**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 37779

FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language about child abuse and neglect.

SUMMARY OF THE RULE OR CHANGE: The proposed change enhances the meaning of child abuse to include child sexual abuse as a required topic.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No state agencies operate in-home child care programs, so there are no anticipated costs or savings to state budgets associated with this rule change.

◆ **LOCAL GOVERNMENTS:** No local governments operate in-home child care programs so there are no anticipated costs or savings to local government associated with this rule change.

◆ **SMALL BUSINESSES:** Almost all in-home child care programs are small businesses. However, because none of the proposed changes add or remove content to the current requirements, the Department does not anticipate any cost or savings as a result of this change.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because the proposed change does not add or remove content to the current requirements, the Department does not anticipate any cost or savings as a result of this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The inclusion of this language will not create any new legal burdens or financial burdens on providers.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.**R430-90. Licensed Family Child Care.****R430-90-7. Personnel.**

- (1) The licensee and all substitutes and caregivers must:
- (a) be at least 18 years of age; and
 - (b) have knowledge of and comply with all applicable laws and rules.
- (2) All assistant caregivers shall:
- (a) be at least 16 years of age;
 - (b) work under the immediate supervision of a provider who is at least 18 years of age; and
 - (c) have knowledge of and comply with all applicable laws and rules.
- (3) Assistant caregivers may be included in provider to child ratios, but only if there is also another provider present in the home who is 18 years of age or older.
- (4) Assistant caregivers shall meet the training requirements of this rule.
- (5) The licensee may make arrangements for a substitute who is at least 18 years old and who is capable of providing care, supervising children, and handling emergencies in the absence of the licensee.
- (6) Substitutes who care for children an average of 10 hours per week or more shall meet the training, first aid, and CPR requirements of this rule.
- (7) In an unforeseeable emergency, such as a medical emergency requiring immediate care at a hospital or at an urgent care center or a lost child, the licensee may assign an emergency substitute who has not had a criminal background screening to care for the children. A licensee may use an emergency substitute for up to 24 hours for each emergency event.
- (a) The emergency substitute shall be at least 18 years of age.
 - (b) The emergency substitute is not required to meet the training, first aid, and CPR requirements of this rule.
 - (c) The emergency substitute cannot be a person who has been convicted of a felony or misdemeanor or has been investigated for abuse or neglect by any federal, state, or local government agency. The emergency substitute must provide a signed, written declaration to the licensee that he or she is not disqualified under this subsection.
 - (d) During the term of the emergency, the emergency substitute may be counted as a provider for the purpose of maintaining the required provider to child ratios.
 - (e) The licensee shall make reasonable efforts to minimize the time that the emergency substitute has unsupervised contact with the children in care.
 - (8) Any new caregiver, volunteer, or non-emergency substitute shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the individual's file and shall include the following topics:
 - (a) specific job responsibilities;
 - (b) the licensee's written policies and procedures;

- (c) the licensee's emergency and disaster plan;
 - (d) the current child care licensing rules found in Sections R430-90-11 through 24;
 - (e) introduction and orientation to the children in care;
 - (f) a review of the information in the health assessment for each child in care;
 - (g) procedure for releasing children to authorized individuals only;
 - (h) proper clean up of body fluids;
 - (i) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
 - (j) obtaining assistance in emergencies; and
 - (k) if the licensee accepts infants or toddlers for care, orientation training topics shall also include:
 - (i) preventing shaken baby syndrome and coping with crying babies; and
 - (ii) preventing sudden infant death syndrome.
- (9) Substitutes who care for children an average of 10 hours per week or more, the licensee, and all caregivers shall complete a minimum of 20 hours of child care training each year, based on the license date. A minimum of 10 hours of the required annual training shall be face-to-face instruction.
- (a) Documentation of annual training shall be kept in each individual's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.
 - (b) All caregivers and non-emergency substitutes who begin employment partway through the license year shall complete a proportionate number of training hours based on the number of months worked prior to the relicense date.
 - (c) Annual training hours shall include the following topics at least once every two years:
 - (i) a review of all of the current child care licensing rules found in Sections R430-90-11 through 24;
 - (ii) a review of the licensee's written policies and procedures and emergency and disaster plan, including any updates;
 - (iii) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;
 - (iv) principles of child growth and development, including development of the brain; and
 - (v) positive guidance; and
 - (d) if the licensee accepts infants or toddlers for care, required training topics shall also include:
 - (i) preventing shaken baby syndrome and coping with crying babies; and
 - (ii) preventing sudden infant death syndrome.

KEY: child care facilities, licensed family child care
Date of Enactment or Last Substantive Amendment: [January 1,] 2013
Notice of Continuation: May 29, 2013
Authorizing, and Implemented or Interpreted Law: 26-39

Health, Family Health and Preparedness, Child Care Licensing **R430-100-7** Personnel

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37780
FILED: 06/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify the language about child abuse and neglect.

SUMMARY OF THE RULE OR CHANGE: The proposed change enhances the meaning of child abuse to include child sexual abuse as a required topic.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Some state agencies operate child care centers. However, the Department does not anticipate any cost or savings as a result of this change.
- ◆ **LOCAL GOVERNMENTS:** Some local governments operate child care centers. The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Almost all hourly child care programs are small businesses. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate a cost or savings to these programs. Because this rule does not add or remove any rule requirements, the Department does not anticipate any new costs or savings to entities or persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule does not impose any new requirement for child care providers, the Department does not anticipate any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The inclusion of this language will not create any new legal burdens or financial burdens on providers.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILD CARE LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Simon Bolivar by phone at 801-584-8223, by FAX at 801-584-8467, or by Internet E-mail at sbolivar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO
LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2013

AUTHORIZED BY: David Patton, PhD, Executive Director

R430. Health, Family Health and Preparedness, Child Care Licensing.

R430-100. Child Care Centers.

R430-100-7. Personnel.

(1) The center must have a director who is at least 21 years of age and who has one of the following educational credentials:

(a) an associates, bachelors, or graduate degree from an accredited college and successful completion of at least 12 semester credit hours of early childhood development courses;

(b) valid proof of a level 8, 9, or 10 Utah Early Childhood Career Ladder certification issued by the Utah Office of Child Care or the Utah Child Care Professional Development Institute;

(c) a currently valid national certification such as a Certified Childcare Professional (CCP) issued by the National Child Care Association, a Child Development Associate (CDA) issued by the Council for Early Childhood Professional Recognition, or other credential that the licensee demonstrates as equivalent to the Department; or

(d) a currently valid National Administrator Credential (NAC) issued by the National Child Care Association, plus one of the following:

(i) valid proof of successful completion of 12 semester credit hours of early childhood development courses from an accredited college; or

(ii) valid proof of completion of the following six Utah Early Childhood Career Ladder courses offered through Child Care Resource and Referral: Child Development Ages and Stages, Learning in the Early Years, A Great Place for Kids, Strong and Smart, Learning to Get Along, and Advanced Child Development.

(e) Center directors who used only the National Administrator Credential (NAC) to meet the director qualifications prior to 1 July 2006 have until 30 June 2011 to obtain the required additional training in early childhood development.

(2) All caregivers shall be at least 18 years of age.

(3) All assistant caregivers shall be at least 16 years of age, and shall work under the immediate supervision of a caregiver who is at least 18 years of age.

(4) Assistant caregivers may be included in caregiver to child ratios, but shall not be left unsupervised with any child in care.

(5) Assistant caregivers shall meet all of the caregiver requirements under this rule, except the caregiver age requirement of 18 years.

(6) A volunteer may be included in the provider to child ratio only if the volunteer meets all of the caregiver requirements of this rule.

(7) Whenever there are more than 8 children at the center, there shall be at least two caregivers present who can demonstrate the English literacy skills needed to care for children and respond to emergencies. If there is only one caregiver present because there are 8 or fewer children at the center, that caregiver must be able to demonstrate the English literacy skills needed to care for children and respond to emergencies.

(8) Each new director, assistant director, caregiver, assistant caregiver, and volunteer shall receive orientation training prior to assuming caregiving duties. Orientation training shall be documented in the caregiver's file and shall include the following topics:

(a) job description and duties;

(b) the center's written policies and procedures;

(c) the center's emergency and disaster plan;

(d) the current child care licensing rules found in Sections R430-100-11 through 24;

(e) introduction and orientation to the children assigned to the caregiver;

(f) a review of the information in the health assessment for each child in their assigned group;

(g) procedure for releasing children to authorized individuals only;

(h) proper clean up of body fluids;

(i) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(j) obtaining assistance in emergencies, as specified in the center's emergency and disaster plan.

(k) If the center provides infant or toddler care, new caregiver orientation training topics shall also include:

(i) preventing shaken baby syndrome and coping with crying babies; and

(ii) preventing sudden infant death syndrome.

(9) The following individuals shall complete a minimum of 20 hours of child care training each year, based on the center's license date:

(a) the director;

(b) the assistant director, if the center has one;

(c) all caregivers;

(d) all substitutes who work an average of 10 hours a week or more, as averaged over any three month period; and

(e) all volunteers that the provider includes in the provider to child ratio.

(10) Documentation of annual training shall be kept in each caregiver's file, and shall include the name of the training organization, the date, the training topic, and the total hours or minutes of training.

(11) Caregivers who begin employment partway through the license year shall complete a proportionate number of training hours based on the number of months worked prior to the center's relicensure date.

(12) Annual training hours shall include the following topics:

(a) the current child care licensing rules found in Sections R430-100-11 through 24;

(b) a review of the center's written policies and procedures and emergency and disaster plans, including any updates;

(c) signs and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements for witnessing or suspicion of abuse, neglect, and exploitation;

(d) principles of child growth and development, including development of the brain; and

(e) positive guidance.

(13) If the center provides infant or toddler care, annual training topics for the center director and all infant and toddler caregivers shall also include:

(a) preventing shaken baby syndrome and coping with crying babies; and

(b) preventing sudden infant death syndrome.

(14) A minimum of 10 hours of the required annual in-service training shall be face-to-face instruction.

KEY: child care facilities, child care, child care centers

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

Notice of Continuation: August 3, 2012

Authorizing, and Implemented or Interpreted Law: 26-39

**Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification
R722-900
Review and Challenge of Criminal
Record**

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 37769

FILED: 06/26/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Bureau of Criminal Identification (BCI) houses and maintains criminal history records for the state of Utah. Access to and dissemination of this information is governed by statute which includes the requirement to propose rules to outline the procedure for requesting and obtaining access to these criminal history records. This rule has only addressed the public's access to and the challenge of the criminal history record. Many other entities -- law enforcement, criminal justice agencies, non-criminal justice agencies, and others --

have, by statute, the authority to access and disseminate these records. The reenactment of this rule will include these additional procedures for access authorization.

SUMMARY OF THE RULE OR CHANGE: Rule R722-900 contains procedures for an individual to access his/her criminal history record, and the procedures for challenging anything contained in his/her found record. The proposed repeal and reenactment of Rule R722-900 still contains the procedures for individuals, but additionally outlines procedures for access to bureau records for criminal justice agencies and qualifying entities, as well as procedures for auditing, reporting misuse, and appeal of denied access.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-10-108(7) and Subsection 53-10-108(8)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no aggregate anticipated cost or savings to the state budget. This rule addresses the process by which an entity may request access and the ability to disseminate criminal history records from BCI files. Certain of these entities have been allowed access to these files prior to this. The proposed rule now includes the process for any entity requesting access and the authority to disseminate the information obtained from the access.

◆ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost or savings to local government. This rule addresses the process by which an entity may request access and the ability to disseminate criminal history records from BCI files. The proposed rule now includes the process for any entity requesting access and the authority to disseminate the information obtained from the access.

◆ **SMALL BUSINESSES:** There is no aggregate anticipated cost or savings to small businesses. This rule addresses the process by which an entity may request access and the ability to disseminate criminal history records from BCI files. The proposed rule now includes the process for any entity requesting access and the authority to disseminate the information obtained from the access.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This rule addresses the process by which an entity may request access and the ability to disseminate criminal history records from BCI files. The proposed rule now includes the process for any entity requesting access and the authority to disseminate the information obtained from the access.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule addresses the process by which an entity may request access and the ability to disseminate criminal history records from BCI files. The proposed rule now includes the process for the entity requesting access and the authority to disseminate the information obtained from the access.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses associated with this rule. This rule currently describes the process of requesting access to criminal history information, and obtaining the authority to disseminate that information, for individuals only. The repeal and reenactment of this rule is being submitted in order to describe the process of requesting access to criminal history information, and obtaining the authority to disseminate that information, by all entities outlined in statute.

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

PUBLIC SAFETY
CRIMINAL INVESTIGATIONS AND TECHNICAL
SERVICES, CRIMINAL IDENTIFICATION
3888 W 5400 S
TAYLORSVILLE, UT 84118
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alice Moffat by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Alice Moffat, Bureau Chief

R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

[R722-900. Review and Challenge of Criminal Record.

R722-900-1. Purpose.

~~Subsection 53-10-108(8)(a) requires the Commissioner of Public Safety to establish procedures to allow an individual to review his criminal history record information. Subsection 53-10-108(8)(c) requires the Commissioner to establish procedures to allow an individual to challenge the completeness and accuracy of his criminal history record information as contained in the department's computerized criminal history files. The purpose of this rule is to establish those procedures.~~

R722-900-2. Authority.

~~This rule is authorized by Sections 53-10-108 and 63G-3-201.~~

R722-900-3. Review.

~~An individual may review the department's criminal history record information about him, by contacting the Bureau of Criminal Identification (BCI) and:~~

- ~~(a) filling out an application provided by BCI;~~
- ~~(b) providing a set of fingerprints;~~
- ~~(c) providing a copy of a government issued photo i.d.;~~

~~(d) filling out and signing a criminal history waiver form provided by BCI; and~~

~~(e) paying a \$10 processing fee.~~

R722-900-4. Application by Mail.

~~(a) Individuals who are unable to apply in person may obtain an application from BCI, be fingerprinted at a local law enforcement agency, and then mail the completed application, fingerprints, signed waiver, and \$10 processing fee to BCI at Box 148280, Salt Lake City, Utah 84114-8280.~~

~~(b) The local law enforcement agency verifies the identity of the individual by checking a government issued photo i.d. at the time of fingerprinting and signs the application form.~~

R722-900-5. Challenge.

~~(a) An individual may challenge the completeness and accuracy of his criminal history record information by filling out a challenge form provided by BCI. The submittal of a challenge form will be handled as an informal adjudicative proceeding in accordance with Section 63G-4-203. If the department denies the challenge, no further hearing, review, or reconsideration shall be granted. The individual making the challenge will be required to prove to the satisfaction of BCI through the use of appropriate documentation that the department's criminal history record information is incomplete or inaccurate.~~

~~(b) If BCI is satisfied that the individual has sufficiently documented that his/her criminal history record information is incomplete or inaccurate, BCI will amend the individual's files accordingly.~~

~~(c) An individual who is dissatisfied with the decision made by BCI regarding the completeness or accuracy of the department's criminal history record information on him/her, may appeal the decision to district court in accordance with Section 63G-4-402.~~

[R722-900. Access to Bureau Records.

R722-900-1. Purpose.

The purpose of this rule is to establish procedures whereby criminal justice agencies, qualified entities, and individuals may obtain access to bureau records.

R722-900-2. Authority.

This rule is authorized by Subsections 53-10-108(7) and (8).

R722-900-3. Definitions.

(1) Terms used in this rule are found in Section 53-10-102.

(2) In addition:

(a) "agency" means a criminal justice agency as defined in Subsection 53-10-102(9) and 28 U.S.C. Subsection 534(e), or a non-criminal entity authorized to access CJIS under federal law;

(b) "bureau" means the Utah Bureau of Criminal Identification within the Department of Public Safety established by Section 53-10-201;

(c) "CJIS" means the Criminal Justice Information System administered by the FBI;

(d) "entity" means an entity qualified to access criminal history information under state or federal law;

(e) "entity id" means an entity's unique identifier that is used to access criminal history information;

(f) "FBI" means the Federal Bureau of Investigation within the United States Department of Justice;

(g) "login id" means a unique identifier in UCJIS for a user or non-user;

(h) "misuse" means the access, use, disclosure, or dissemination of records for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity;

(i) "NCIC" means the National Crime Information Center;

(j) "non-user" means a person working for or with an agency, who does not have direct access to UCJIS but has indirect access to records, including individuals who may:

(i) access computer systems or programs used to access UCJIS files; or

(ii) have unrestricted access to a location containing UCJIS records or a computer with UCJIS access;

(k) "ORI" means originating agency identifier;

(l) "provider" means a law enforcement agency as defined in Subsection 53-1-102(1)(c), the Utah Attorney General's Office, a county attorney's office, a district attorney's office, or a city prosecutor's office;

(m) "records" means records created, maintained, or to which access is granted by the bureau, including criminal history information;

(n) "right of access program" means a program established under Subsection 53-10-108(8) in which a provider makes an individual's UCCH and warrant of arrest information available to the subject of the record;

(o) "TAC" means an agency's terminal agency coordinator;

(p) "UCCH" means Utah Computerized Criminal History;

(q) "UCJIS" means Utah Criminal Justice Information System, which includes the Criminal Justice Information System; and

(r) "user" means a person working for or with an agency who has direct access to UCJIS or who obtains UCJIS records from a person who has direct access.

R722-900-4. Direct Access to UCJIS for Agencies.

(1) An agency seeking direct access to UCJIS shall submit a completed Criminal Justice Agency Application Packet to the bureau.

(2)(a) The bureau shall submit the agency's information to the FBI, which shall determine whether the agency meets the requirements for access to CJIS records established by the FBI.

(b) If the FBI determines the agency is entitled to access any CJIS records, the FBI shall assign the agency an ORI and the bureau shall notify the agency in writing what records it may access on UCJIS using the assigned ORI.

(c)(i) If the FBI determines that the agency is not entitled to access records on CJIS, the bureau shall notify the agency of the FBI's decision and refer the agency to the agencies whose records are available on UCJIS to determine if the agency may have access to those records.

(ii) If the agency is granted access to any records on UCJIS, the bureau shall assign the agency an ORI and notify the

agency in writing which records the agency may access using that ORI.

(iii) If the agency is not entitled to access any records on UCJIS, the bureau shall notify the agency in writing and provide notice of the right to appeal pursuant to R722-900-10.

(3)(a) Within 30 days after an agency is granted access to records on UCJIS, it shall submit the following documents to the bureau:

(i) a Criminal Justice Agency Agreement, signed by the agency administrator; and

(ii) a CJIS fingerprint submission form with a legible FD258 fingerprint card for the TAC.

(b) The bureau shall conduct a fingerprint-based criminal history background check of the TAC.

(c) If the bureau determines that the TAC meets all the requirements for access to UCJIS, the TAC shall complete the new TAC orientation training provided by the bureau within six months.

(d) If the bureau determines that the TAC does not meet the requirements for access to UCJIS, the bureau shall notify the agency and the TAC in writing including notice of the right to appeal pursuant to R722-900-10.

(4)(a) The agency TAC shall conduct a criminal history check using the name and date of birth of each user or non-user at the agency.

(b) If the criminal history check indicates that the user or non-user does not have any criminal history, the TAC shall create an account on UCJIS and assign the user or non-user a login id.

(c) Within 30 days of assigning a login id to a user or non-user, the TAC shall submit to the bureau:

(i) a UCJIS User Agreement for each user and non-user; and

(ii) a CJIS fingerprint submission form with a legible FD258 fingerprint card for all users and non-users employed at the agency.

(d) The bureau shall conduct a fingerprint-based criminal history background check for all users and non-users employed at the agency.

(e) If the bureau determines that a user or non-user meets the requirements for access to CJIS, the bureau shall notify the TAC that the user or non-user has been approved.

(f) If the bureau determines a user or non-user does not meet the requirements for access to CJIS, the bureau shall notify the user or non-user, the TAC, and the agency administrator in writing which includes the right to appeal pursuant to R722-900-10.

(5)(a) Within six months of assigning a login id to a user or non-user, the TAC shall train the user or non-user in accordance with the BCI Operations Manual.

(b) Upon completion of the training, the TAC shall administer a test to the users and submit to the bureau a signed testing agreement form from each user indicating that the user passed all of the required training and testing.

(6)(a) The TAC shall attend the annual TAC training meeting and provide updates to all users and non-user at the agency based on the training.

(b) The TAC shall be responsible for ensuring that all users or non-users at the agency complete all training required by the bureau.

(c) The TAC shall be responsible for ensuring that all users at the agency complete all re-testing required by the bureau.

(d) The bureau may suspend or revoke a TAC's, user's, non-user's access to records if the TAC, user, or non-user fails to complete the required training or testing.

R722-900-5. Access for Entities.

(1)(a) An entity seeking access to criminal background check information for employment background checks or other screening purposes shall submit a completed Qualified Entity Application Packet to the bureau, which includes the following:

(i) a Qualified Entity Application Form;

(ii) documentation that it is a business, organization, or governmental entity that is qualified to access criminal background check information;

(iii) a description of why the entity is seeking to conduct employment background checks or other screenings;

(iv) billing information; and

(v) contact information for:

(A) the entity's administrator; and

(B) a point of contact.

(2)(a) The bureau shall review the entity's application to determine whether the entity meets the requirements for access to criminal background check information found in state or federal law.

(b) The bureau may request additional documentation from the entity to verify whether the entity is qualified to access criminal history information.

(c) If the bureau determines that an entity is qualified to access criminal background check information, it shall notify the entity in writing and assign it an entity id.

(d) If the bureau determines the entity is not qualified to access criminal background check information, the bureau shall notify the entity of the bureau's decision in writing and provide notice of the right to appeal pursuant to R722-900-10.

(3)(a) Once an entity has been granted access to criminal background check information, it shall submit the following documents to the bureau:

(i) a Qualified Entity Agreement, signed by the entity administrator; and

(ii) a signed Qualified Entity Employee Agreement for each employee of the entity who will have access to criminal background check information.

(b) Any employee of the entity who has access to criminal background check information shall successfully complete all training and testing required by the bureau.

(c) The bureau may suspend or revoke access to criminal background check information if an employee of an entity fails to complete the required training and testing.

R722-900-6. Individual Right of Access.

(1) An individual may review his or her own criminal history record information contained in a UCCH, by submitting a completed Criminal History Record Application to the bureau along with:

(a) a set of fingerprints which have been verified with photo identification at the time the fingerprints were taken;

(b) a copy of a government issued photo identification; and

(c) payment of the processing fee required by Subsection 53-10-108(8)(b).

(2)(a) An individual may challenge the completeness and accuracy of the information contained in the individual's UCCH by submitting a completed Application to Challenge Criminal History Records to the bureau along with:

(i) the challenge fee; and

(ii) documentation to establish what information is missing or incorrect on the UCCH.

(b) The challenge process shall be an informal adjudicative proceeding under Section 63G-4-203.

(c)(i) If the bureau determines that the individual's criminal history record information is incomplete or inaccurate, the bureau shall amend the UCCH.

(ii) The bureau shall send the individual a letter notifying the individual of the changes made to the individual's UCCH and a copy of the individual's corrected UCCH.

(d)(i) If the bureau determines that the criminal history record information is correct, the bureau shall notify the individual in writing that the UCCH shall not be amended.

(ii) An individual may appeal the bureau's decision not to amend a record to district court in accordance with Section 63G-4-402.

(e) If the bureau determines that the individual seeking to challenge the information in the UCCH is not the subject of the record, the bureau shall notify the individual in writing.

R722-900-7. Right of Access Programs.

(1) A provider seeking to establish a right of access program shall submit a completed Right of Access Contract.

(2)(a) The bureau shall review the Right of Access Provider Contract to determine whether the provider may conduct a right of access program.

(b) The bureau may request additional information from the provider to determine whether the provider may conduct a right of access program.

(c) If the bureau determines that a provider is qualified to conduct a right of access program, it shall notify the provider in writing.

(d) If the bureau determines the provider is not qualified to conduct a right of access program, it shall notify the provider of the bureau's decision in writing.

R722-900-8. Audits

(1)(a) All agencies and entities shall submit to audits conducted by the bureau.

(b) Upon request, an agency and entity shall complete the Pre-audit Request within 30 days from the date it is sent by the bureau.

(c) An agency and entity shall complete the Audit Survey within 30 days from the date it is sent out by the bureau.

(d) The bureau shall review the information submitted by the agency and entity to determine if the agency and entity is in compliance with applicable state and federal statutes, rules, and regulations.

(e) The bureau shall notify the agency and entity of the audit results in writing and give the agency, entity, or provider an opportunity to rectify any issues it found during the audit.

(f) The bureau may suspend or revoke an agency's access to UCJIS or an entity's access to criminal background check

information if it fails to comply with the audit or rectify issues found during the audit.

R722-900-9. Misuse.

(1) Anyone who has reason to believe that records have been misused may submit a written complaint to the bureau.

(2)(a) The bureau shall conduct a review of its records to determine if there is any evidence to support the complaint.

(b) If the bureau finds evidence indicating records may have been accessed, used, disclosed, or disseminated, the bureau shall notify the agency TAC or entity point of contact and request that an internal review be conducted.

(3) The agency or entity shall be responsible for conducting an internal review to determine if there has been misuse of a record and submit its findings to the bureau within 30 days.

(4)(a) If the agency or entity determines there was misuse, the agency or entity shall submit a corrective action plan to the bureau.

(b) The bureau shall review the corrective action plan to determine if the action taken by the agency or entity was sufficient to address the misuse.

(5) If the bureau finds that an agency, entity, TAC, user, non-user, or employee of an entity misused records, the bureau may:

(a) suspend or revoke the access of the agency, entity, TAC, user, non-user, or employee of the entity; and

(b) refer the matter to the appropriate law enforcement agency for investigation and prosecution.

(6) The bureau may suspend or revoke access to records by an agency, entity, TAC, user, non-user, or employee of the entity if the agency, entity, TAC, user, non-user, or employee of the entity fails to comply with any terms of the signed agreement.

R722-900-10. Appeal.

(1)(a) An agency or entity denied access to records may appeal the bureau's decision by sending a written request for review to the bureau within 30 days of the date of the denial of access.

(b) An agency may appeal the bureau's decision to deny a TAC, user, or non-user access to records by sending a written request for review to the bureau within 30 days of the date of the denial of access.

(2) A request for review shall include:

(a) a description of the grounds for review; and

(b) supporting documentation.

(3)(a) The bureau director or the director's designee shall review the request for review and issue a written decision within 30 days from the date of the appeal.

(b) If the bureau's decision to deny an agency or entity is upheld, the bureau shall notify the agency or entity of the right to appeal to the district court by complying with the requirements in Section 63G-4-402.

(c) If the bureau's decision to deny a TAC, user, non-user is upheld, there shall be no further right of appeal.

KEY: ~~[criminal records]~~access to records, UCJIS, criminal justice agencies, qualified entities

Date of Enactment or Last Substantive Amendment: ~~[December 15, 1998]~~2013

Notice of Continuation: April 10, 2013

Authorizing, and Implemented or Interpreted Law: ~~[53-10-108(8)]~~53-10-102; 53-10-108

Regents (Board of), University of Utah,
Administration
R805-1
Operating Regulations for Bicycles,
Skateboards and Scooters

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37770

FILED: 06/26/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to provide greater clarity regarding the rules for operating non-pedestrian devices on the University of Utah campus. It is also being amended to provide the University with more effective tools to enforce, and obtain compliance with the policy including greater sanctions and the ability to impound devices in appropriate circumstances.

SUMMARY OF THE RULE OR CHANGE: This change is to better define the University's expectations regarding operation of non-motorized vehicles on campus, to balance the interests between encouraging non-motorized travel and protecting pedestrian safety, and to create better tools to enforce the rule and sanction individuals who violate the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-2-106 and Section 53B-3-101 and Section 76-8-701 et seq.

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The University does not anticipate any financial impact to the state budget associated with amending this rule. This rule change provides the University with better mechanisms to enforce the already existing rule. These changes will have no effect on the existing costs for enforcement of this rule.

♦ **LOCAL GOVERNMENTS:** The University anticipates no costs or savings to local government as a result of the rule because the rule does not apply to local governments and local governments will have no obligations for the implementation of the rule.

♦ **SMALL BUSINESSES:** The University anticipates no costs or savings to small businesses as a result of the rule. The rule governs the conduct of individuals, not businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The only persons who will be affected by the rule are those

who violate the rule and who may receive sanctions as a result of their actions.

COMPLIANCE COSTS FOR AFFECTED PERSONS:
Persons who violate the rule may be subject to sanctions as outlined in Subsection R805-1-3(B) of the amended rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:
This rule applies to individuals who engage in activities and conduct them on the University's property. The rule does not apply to business entities. Therefore, the rule should have no fiscal impact on businesses.

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

REGENTS (BOARD OF)
UNIVERSITY OF UTAH, ADMINISTRATION
ROOM 309 PARK BLDG
201 S PRESIDENTS CIR
SALT LAKE CITY, UT 84112-9009
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Robert Payne by phone at 801-585-7002, by FAX at 801-585-7007, or by Internet E-mail at robert.payne@legal.utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/14/2013

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2013

AUTHORIZED BY: Robert Payne, Associate General Counsel

R805. Regents (Board of), University of Utah, Administration.

R805-1. Operating Regulations for Bicycles, Skateboards, Rollerskates and Scooters (Non-Motorized Riding Devices).

R805-1-1. Purpose and Scope.

~~_____ To set forth the regulations that govern the operation and use of bicycles, skateboards and scooters on the campus of, or on other property owned, operated or controlled by, the University of Utah.~~

~~_____] _____ A. The purpose of this Rule is to govern the operation and use of non-motorized riding devices, including bicycles, skateboards, rollerskates and scooters, on the campus of, or on other premises owned, operated or controlled by, the University of Utah.~~

~~_____ The University wishes to encourage and facilitate the use of non-motorized forms of transportation to, from and across the University campus while also ensuring a safe environment for pedestrians, reducing risks of personal injury for pedestrians or device riders, and avoiding damage to University facilities caused by inappropriate use of devices on University premises. This Rule is intended to balance these interests.~~

~~_____ B. This Rule governs the use of non-motorized riding devices by members of the public who visit the University of Utah campus. It is not intended to govern use by current University~~

~~students and faculty, University employees, and other persons who are formally affiliated with the University. The use of such devices on University premises by members of the University community is governed by University of Utah Policy 3-232.~~

~~_____ This Rule is not intended to govern the use of any non-motorized riding device carried out as a planned part of a special event specifically approved by University officials to be conducted on University premises, including a riding competition, exhibition, or similar event. Use of riding devices as part of any such event will be governed by the terms of any applicable contract or event rules.~~

R805-1-2. Definitions.

~~_____ These definitions apply for the limited purposes of this Rule.~~

~~_____ A. "Bicycle"~~[every]~~ means a device propelled by human power upon which ~~[any]~~a person may ride having two tandem wheels either of which is more than 12 inches in diameter, ~~[and]~~ It also includes any device generally recognized as a bicycle, although equipped with more than one front or rear wheel (e.g., a tricycle).~~

~~_____ B. "Skateboard"~~[every]~~ means a non-motorized device consisting of two or more wheels affixed to a platform or footboard upon which a rider stands and which does not have steering capability similar to that of a bicycle ~~[and does not have]~~or brakes which operate on or upon the wheels of the skateboard. It also includes every device generally recognized as a skateboard.~~

~~_____ C. "Scooter"~~[every]~~ means a non-motorized device consisting of two or more wheels affixed to a platform or footboard upon which a rider stands and which has a handle or other mechanism ~~[at the front]~~for holding or guiding the device. It also includes every device generally recognized as a scooter. ~~[It does not include such devices if they have steering capability similar to a bicycle and also have brakes that operate on or upon the wheels of the device.]~~It does not include mopeds, whether operated with or without motor power. For the purpose of ~~[these regulations]~~this Rule mopeds and motorcycles are considered motor vehicles, and are not within the scope of this Rule.~~

~~_____ D. "Rollerskates" means a device consisting of a shoe with a set of wheels attached for skating or a metal frame with wheels attached that can be fitted to the sole of a shoe worn by a person. It includes in-line skates, rollerblades and every device generally recognized as rollerskates.~~

~~_____ E. "University premises" means the University campus and any other real property or structure located on real property owned, operated or controlled by the University of Utah.~~

~~_____ F. "Non-motorized riding device" means any non-motorized device designed or used for riding by one or more persons including any bicycle, skateboard, scooters, or rollerskates, as defined above. "Non-motorized riding device" does not include a wheelchair or similar device when being used for transportation by any person with disabilities or a baby stroller or similar device when being used for transporting any child.~~

~~_____ G. "Visitor" means a member of the public who visits University premises and is not a student, employee or other person who is formally affiliated with the University.~~

R805-1-3. ~~[Policy]~~Rule.

~~_____ A. ~~[Bicycles]~~Permissible and Impermissible Uses of Non-Motorized Riding Devices.~~

~~_____ 1. In areas where designated bicycle paths are provided, bicycles may only be ridden in such designated bicycle paths. Where~~

bicycle paths are not available for reaching a particular location, bicycles may be ridden upon roadways and pedestrian sidewalks to reach such areas. However, the University may identify and by appropriate signage designate some locations in which bicycle riding is prohibited either permanently or during certain time periods (e.g., restricting bicycle riding on certain highly congested pedestrian walkways during designated periods). Bicycle riders shall comply with all official traffic control devices and signs including posted signs prohibiting riding in a particular designated location. Bicyclists may dismount and walk their bicycles across any pedestrian accessible area in which bicycling riding is prohibited.

2. Skateboards, scooters and rollerskates (or other non-motorized riding devices other than bicycles) may only be ridden upon designated bicycle paths and pedestrian pathways. Riding such devices on roadways or in parking lots is strictly prohibited at all times—because the University has determined that such uses would present unacceptable risks of injury to riders and other users, and unacceptable impeding of motor vehicle traffic in such areas . Also, the University may identify and by appropriate signage designate certain areas in which riding of any particular type of non-motorized device is prohibited (e.g., it may designate certain pedestrian pathways as off-limits for skateboard riding because risks of personal injury are heightened due to steep grades or congestion). Persons riding such non-motorized riding devices shall comply with all official traffic control devices and signs including posted signs prohibiting riding in a particular designated location. Device users may dismount and carry their devices across any pedestrian accessible area in which riding of such devices is prohibited.

3. Non-motorized riding devices, of any type, shall not be ridden upon any stairway, wall, bench, fountain, or other structure or facility or on or over landscaping, shrubbery, grass or flower beds. Such devices shall not be ridden within any building or parking structure.

4. Every person riding a non-motorized riding device in any pedestrian accessible area shall yield the right of way to pedestrians at all times.

[4]5. Every person [operating a bicycle]riding a non-motorized riding device shall ride their device in a controlled manner and shall exercise due care and reasonable caution to prevent injury to others, to [him]self, or to property.

[—]2. Every person operating a bicycle shall yield the right of way to pedestrians at all times.

[3-]6. No person [operating a bicycle]riding a non-motorized riding device shall exceed a reasonable and proper speed under the circumstances then and there existing [and in no event] (including the limited braking or steering capabilities of the device). In no instance shall any person operate a [bicycle]non-motorized riding device at a speed greater than 10 miles per hour upon any bicycle path, sidewalk or other pedestrian pathway[—except as part of a university approved competition or function].

[—]4. Bicycles shall not be ridden upon any stairway, wall, bench, or other structure or facility or on or over shrubbery or flower beds. Bicycles shall not be ridden within any building.

5. Unless otherwise provided by regulations or traffic signs, bicycles may only be ridden upon roadways and sidewalks, except that where a bicycle path has been provided adjacent to a roadway or sidewalk, bicycle operators shall use such bicycle path.

6. No person riding a bicycle shall attach the same in any manner to any moving vehicle, except that this shall not prohibit the

attaching to a bicycle of a bicycle trailer or semitrailer specifically designed for such attachment.

] 7. [Bicycles]Non-motorized riding device shall not be ridden two or more abreast on any bicycle path, sidewalk or pedestrian walkway[,—except as part of a university approved competition or function].

[—]8. No person shall ride a bicycle upon or along a sidewalk, pedestrian walkway, or across a roadway where the riding of bicycles is prohibited by official traffic control devices or signs, except as part of a university approved competition or function.

] [9-]8. No [bicycle]non-motorized riding device shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult bicycle rider may carry a child securely attached to his/her person in a backpack or sling or in a child carrier securely attached to the bicycle. No bicycle rider shall carry any package, bundle, or other article which may prevent the rider from keeping at least one hand on the handle bars.

[—]10. No person riding a bicycle shall carry any package, bundle, or other article which prevents the operator from using at least one hand on the handle bars.

] 9. No person riding a non-motorized riding device shall attach the same in any manner to any moving motor vehicle, except that this shall not prohibit the attaching to a bicycle of a bicycle trailer or semitrailer specifically designed for such attachment.

[4-]10. Every bicycle ridden on University premises shall be equipped with such brakes, reflectors and other safety devices [at such times—]as [is]are required by [State]Utah state law for operating a bicycle on streets or highways.

[42-]11. [Bicycles]No non-motorized riding devices of any type shall [not]be left unattended or parked on or at [handicap—]ramps, [handicap—]entrances or other facilities designated for [handicapped traffic]persons with physical disabilities or in such a manner as to impede the free and clear use of such facilities.

[43-]12. [Bicycles]No non-motorized riding devices shall [not]be left unattended or parked in the public areas of any building, including but not limited to hallways, stairwells, and classrooms. [Bicycles]Such devices shall not be left unattended or parked at or near any building entrance or exit in such [a—]manner as to impede the free and clear use of such areas.

[44-]13. [Bicycles]No non-motorized devices shall [not]be parked at or attached to any fire hydrant, standpipe, building service equipment or other safety device.

[—]15. State traffic laws pertaining to bicycles are in full force and effect on the campus of, or on other property owned, operated or controlled by, the University of Utah.

B. Skateboards and Scooters

1. Every person riding a skateboard or scooter shall exercise due care and reasonable caution to prevent injury to others, to himself, or to property.

2. Every person riding a skateboard or scooter shall yield the right of way to pedestrians at all times.

3. No person riding a skateboard or scooter shall exceed a reasonable and proper speed under the circumstances then and there existing and in no event shall any person riding a skateboard or scooter exceed a speed of 10 miles per hour upon any sidewalk or pedestrian pathway except as part of a university approved competition or function.

4. Skateboards and scooters shall not be ridden upon any stairway, wall, bench, or other structure or facility or on or over any

landscaped area, including, but not limited to, grass areas, shrubbery, or flower beds. Skateboards and scooters shall not be ridden within any building.

5. Unless otherwise provided by regulations or traffic signs, skateboards and scooters may only be ridden upon pedestrian sidewalks. Skateboards and scooters shall not be ridden upon any sidewalk where there is a posted sign prohibiting such activity. Except as part of a university approved competition or function, skateboards and scooters shall not be ridden upon any parking lot.

6. Skateboard and scooter riders shall not engage in obstacle riding or other acts or maneuvers which endanger the rider or others.

7. The appropriate bodies may adopt policies concerning the riding of skateboards and scooters in university student apartment areas:

8. Operators of those devices which are excluded from the skateboard or scooter category in these regulations because they have steering capability similar to a bicycle and because they have brakes which operate on or upon the wheels of the device shall comply with the regulations herein for bicycles.

9. Any state laws pertaining to skateboards and scooters are in full force and effect on the campus of, or on other property owned, operated or controlled by, the University of Utah.

C. Sanctions

1. These regulations may be enforced against university students, university staff and university faculty by violation notices which may be processed and settled through the parking citation and appeals procedures and offices.

2. Payment of violation notice fees shall be within seven working days. After that additional fees or penalties may be invoked. It is the responsibility of the recipient of the violation notices to promptly settle them.

3. Unsettled violation notice fees may be withheld from the paychecks of faculty and staff.

4. Registration holds may be placed against delinquent student violators; student registration may be canceled in any instance where a student circumvents the system and registers without clearing delinquent violation notices; transcripts of credits may be withheld for students leaving the university with delinquent violation notices.

5. Chronic or flagrant student violators may be referred to the Student Behavior Committee for appropriate disciplinary action.

6. Alternative violation notices may be issued to persons not affiliated as student, staff or faculty with the university and will be handled the same as alternative parking violation notices.

7. Violation notices for violations of these regulations may be appealed to the Parking Appeals Office under the same rules, including time limitations, as parking violation notices.

8. Adverse ruling of the Parking Appeals Officer may be appealed to the Campus Parking Citation Appeals Committee under the same rules, including time limitations, as parking violation notices.

9. Bicycles, scooters or skateboards parked or placed in prohibited areas may be impounded, or otherwise secured. Bicycles, scooters or skateboards parked or placed in areas where they constitute a hazard to others may be removed and impounded.

10. In appropriate cases, including but not limited to chronic or flagrant violations of these regulations, university affiliated persons or non-university affiliated persons may be prohibited from bringing onto the campus bicycles, scooters or skateboards.

11. In appropriate cases, including but not limited to chronic or flagrant violations of these regulations, nonuniversity affiliated persons may be prohibited entry upon the campus.

B. Sanctions for Impermissible Uses

1. Any Visitor who violates sections III(A)(1) through III(A)(10), above may be subject to the following sanctions:

a. For a first offense, the University will record the individual's name and provide a written warning against further non-motorized riding device use in violation of this Rule. If, at the time of violation, an individual does not produce satisfactory identification, his/her non-motorized riding device will be impounded. The non-motorized riding device will be released when the individual presents appropriate proof of the individual's identification to the University's Department of Public Safety. There is no impoundment fee (or any fine) for the first offense. (However, note that per section III-E below, any violation which results in serious injury to another person or major damage to property could result in criminal prosecution or civil liability under applicable Utah state law. In such serious cases, a Public Safety officer may take the device into custody as evidence).

b. For a second offense which takes place within twenty-four months of an individual's first offense or warning, the non-motorized riding device will be impounded for not less than forty-eight hours and the individual shall be required to pay a fine of not less than \$100 dollars plus the applicable impoundment fee.

c. For offenses after an individual's second offense, which are within twenty-four months of the individual's immediately preceding offense, the non-motorized riding device will be impounded for not less than thirty calendar days and the offender shall be subject to an escalating schedule of fines for each offense beyond the second offense, plus the applicable impoundment fee.

d. In appropriate cases, including but not limited to chronic or flagrant violations of this Rule, Visitors may be prohibited from riding or using non-motorized devices on University premises, permanently or for a designated period.

e. In appropriate cases, including but not limited to chronic or flagrant violations of this Rule, Visitors may be subject to eviction or denial of access to University premises.

2. Any Visitor who violates sections III(A)(1) through III(A)(14), above may be subject to the following sanctions:

a. Receipt of a violation notice which will be processed and settled through the office of Commuter Services. Violation notice fees shall be paid within seven working days of receipt of the notice. After the seven day period, additional fees or penalties will be invoked. It is the responsibility of the recipient of a violation notice to promptly settle it.

b. Non-motorized devices parked or placed in prohibited areas will be impounded, or otherwise secured by the Department of Public Safety. Non-motorized devices parked or placed in areas where they may constitute a hazard to others will be removed and impounded.

3. The sanctions set forth under section III(B)(2) will not be applied in an instance in which an individual receives sanctions under section III(B)(1) for the same offense.

4. All Utah state laws pertaining to non-motorized riding devices are in full force and effect on University premises. In particular, improper usage of such devices resulting in injury to other persons or property damage may subject the user to criminal

prosecution or civil liability under applicable state law, in addition to any sanctions provided for under this Rule.

C. Impoundment

Impounded non-motorized riding devices will be held by the University's Department of Public Safety or office of Commuter Services and released only during regular business hours to individuals with satisfactory identification. Payment of an impoundment fee (not to exceed \$25) will also be required for release, except as provided in (III)(B)(1)(a) above.

Devices impounded under this section will be held for a maximum of sixty days following the applicable impoundment period. Devices not retrieved during this period are presumed to have been abandoned and will be subject to disposal by University Surplus and Salvage. The device owner who has abandoned his/her device shall not be entitled to repurchase the device at University Surplus and Salvage.

The University and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impounding, storage, or sale of any item under this section.

Impoundment or sale of any non-motorized riding device under this section shall neither substitute for, nor release any person from, liability for damage to persons or property caused by use of a non-motorized device on University premises (under applicable Utah law per Part III-E); nor does it remove the obligation for any fines or fees associated with the violation or other outstanding

citations. Any proceeds resulting from the sale of a non-motorized riding device will be credited toward the outstanding fee associated with the impoundment of that device.

D. Appeals

1. Impoundments and fines or fees assessed pursuant to Section III(B)(1) above may be appealed to the Office of the Vice President for Administrative Services. The decision of the Vice President for Administrative Services, or his designee, shall be final.

2. Violation notices provided pursuant to Section III(B)(2) above may be appealed to the University's office of Commuter Services under the same rules, including time limitations, as parking violation notices. See Policy 5-206 Vehicle Parking Policy. An adverse ruling of an Appeals Officer may be appealed to the Parking Appeals Committee under the same rules, including time limitations, as parking violation notices. The decision of the Parking Appeals Committee shall be final.

KEY: bicycles, pedestrians, safety, speed limits, skateboards

Date of Enactment or Last Substantive Amendment: [1989]2013

Notice of Continuation: March 12, 2013

Authorizing, and Implemented or Interpreted Law: 53B-2-106; 53B-3-101; 76-8-701 et seq.

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period, and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends August 14, 2013.

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

From the end of the 30-day waiting period through November 12, 2013, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303; Rule R15-2; and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page

Environmental Quality, Water Quality

R317-1-1

Definitions

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 37366
FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed change is made in response to a public comment received during rulemaking.

SUMMARY OF THE RULE OR CHANGE: The definition of Use Attainability Analysis was changed to reference the designated uses in Section R317-2-6 instead of the Section 101(a)(2) Clean Water Act uses. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the March 15, 2013, issue of the Utah State Bulletin, on page 32. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: No additional costs or savings to state budget are anticipated. The proposed amendment is a clarification and does not affect the costs of complying with the rules.
- ◆ LOCAL GOVERNMENTS: No additional costs or savings to local government are anticipated. The proposed amendment is a clarification and does not affect the costs of complying with the rules.
- ◆ SMALL BUSINESSES: No additional costs or savings to small businesses are anticipated. The proposed amendment is a clarification and does not affect the costs of complying with the rules.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No additional costs or savings to other persons are anticipated. The proposed amendment is a clarification and does not affect the costs of complying with the rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change clarifies a definition. No changes in costs are anticipated because the proposed amendments do not affect the costs of complying with the rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change clarifies a definition. No fiscal impacts to businesses are anticipated because the proposed amendment does not affect the costs of complying with the rules.

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

THIS RULE MAY BECOME EFFECTIVE ON: 08/14/2013

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.

"Board" means the Utah Water Quality Board.

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

"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.

"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".

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

"COD" means chemical oxygen demand.

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

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

"Division" means the Utah State Division of Water Quality.

"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".

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

"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.

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

"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".

"Influent" means the total wastewater flow entering a wastewater treatment works.

"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.

"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.

"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.

"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.

"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).

"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.

"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.

"Sewage" is synonymous with the term "domestic wastewater".

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

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

"SS" means suspended solids.

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.

"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).

"TSS" means total suspended solids.

"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]~~ R317-2-6. 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).

"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).

"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.

"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: 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 the Waters of the State

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 37361

FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes in the proposed rule were made in response to a comment received during the initial rulemaking.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments update the rule to come into conformance with changes to the Utah Water Quality Act initiated by S.B. 21 passed in the 2012 General Legislative Session. The majority of the proposed changes are editorial, largely consisting of replacing the term "Executive Secretary" with "Director". However, the amendments also make additional changes mandated by S.B. 21 (2012) which reflect the transfer of certain powers and duties from the Water Quality Board to the Director of the Division of Quality in the realm of permits, certifications and other administrative authorizations. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the March 15, 2013, issue of the Utah State Bulletin, on page 34. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Enactment of these changes likely will not result in direct, measurable costs to the state budget as this amendment only changes who has authority to make regulatory decisions regarding permits, certifications, and other administrative authorizations.

◆ **LOCAL GOVERNMENTS:** Enactment of these changes likely will not result in direct, measurable costs for local governments as this amendment only changes who has authority to make regulatory decisions regarding permits, certifications, and other administrative authorizations.

◆ **SMALL BUSINESSES:** Enactment of these changes likely will not result in direct, measurable costs to small businesses as this amendment only changes who has authority to make regulatory decisions regarding permits, certifications, and other administrative authorizations.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Enactment of these changes likely will not result in direct, measurable costs to other persons as this amendment only changes who has authority to make regulatory decisions regarding permits, certifications, and other administrative authorizations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Enactment of these changes likely will not result in direct, measurable compliance costs as this amendment only changes who has authority to make regulatory decisions regarding permits, certifications, and other administrative authorizations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Enactment of these changes likely will not result in direct, measurable costs to businesses as this amendment only changes who has authority to make regulatory decisions regarding permits, certifications, and other administrative authorizations.

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

THIS RULE MAY BECOME EFFECTIVE ON: 08/14/2013

AUTHORIZED BY: Walter Baker, Director

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

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R317-2-1C. Triennial Review.

The water quality standards shall be reviewed and updated, if necessary, at least once every three years. The ~~[Executive Secretary]~~Director will seek input through a cooperative process from stakeholders representing state and federal agencies, various interest groups, and the public to develop a preliminary draft of changes. Proposed changes will be presented to the Water Quality Board for information. Informal public meetings may be held to present preliminary proposed changes to the public for comments and suggestions. Final proposed changes will be presented to the Water Quality Board for approval and authorization to initiate formal rulemaking. Public hearings will be held to solicit formal comments from the public. The ~~[Executive Secretary]~~Director will incorporate appropriate changes and return to the Water Quality Board to petition for formal adoption of the proposed changes following the ~~[Division of Administrative Rules' rulemaking procedures]~~requirements of the Utah Rulemaking Act, Title 63G, Chapter 3.

R317-2-2. Scope.

These standards shall apply to all waters of the state and shall be assigned to specific waters through the classification procedures prescribed by Sections 19-5-104(5) and 19-5-110 and R317-2-6.

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,]~~Director, 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]~~rules 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]~~Director 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 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. 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]~~ Director 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]~~ Director 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]~~ Director 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. 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.

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]~~Director to authorize proposed activities that would otherwise not be authorized.

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.

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.

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]~~Director 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]~~Director 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]~~Director 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]~~Director 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. 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 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]~~Director 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]~~Director will inform the Water Quality Board of any protocols or guidelines that are developed.

R317-2-4. Colorado River Salinity Standards.

In addition to quality protection afforded by these ~~[regulations]~~rules to waters of the Colorado River and its tributaries, such waters shall be protected also by requirements of "Proposed Water Quality Standards for Salinity including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975" and a supplement dated August 26, 1975, entitled "Supplement, including Modifications to Proposed Water Quality Standards for Salinity including Numeric Criteria and Plan of Implementation for Salinity Control, Colorado River System, June 1975", as approved by the seven Colorado River Basin States and the U.S. Environmental Protection Agency, as updated by the 1978

Revision and the 1981, 1984, 1987, 1990, 1993, 1996, 1999, 2002, 2005, 2008, and 2011 reviews of the above documents.

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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]rules 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 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 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]rules, 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.

R317-2-8. Protection of Downstream Uses.

All actions to control waste discharges under these [regulations]rules shall be modified as necessary to protect downstream designated uses.

R317-2-9. Intermittent Waters.

Failure of a stream to meet water quality standards when stream flow is either unusually high or less than the 7-day, 10-year minimum flow shall not be cause for action against persons discharging wastes which meet both the requirements of R317-1 and the requirements of applicable permits.

R317-2-10. Laboratory and Field Analyses.

10.1 Laboratory Analyses

All laboratory examinations of samples collected to determine compliance with these regulations shall be performed in accordance with standard procedures as approved by the [~~Utah~~ ~~Division of Water Quality~~]Director by the Utah Office of State Health Laboratory or by a laboratory certified by the Utah Department of Health.

10.2 Field Analyses

All field analyses to determine compliance with these [regulations]rules shall be conducted in accordance with standard procedures specified by the Utah Division of Water Quality.

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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 | 5 |
| 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) | | | | | Hydrogen Sulfide (13) (Undissociated, Max. UG/L) | 2.0 | 2.0 | 2.0 | 2.0 |
| Aluminum | | | | | Phenol (Maximum) | 0.01 | 0.01 | 0.01 | 0.01 |
| 4 Day Average (6) | 87 | 87 | 87 | 87 | RADIOLOGICAL (MAXIMUM pCi/L) | | | | |
| 1 Hour Average | 750 | 750 | 750 | 750 | Gross Alpha (10) | 15 | 15 | 15 | 15 |
| Arsenic (Trivalent) | | | | | ORGANICS (UG/L) (4) | | | | |
| 4 Day Average | 150 | 150 | 150 | 150 | Acrolein | | | | |
| 1 Hour Average | 340 | 340 | 340 | 340 | 4 Day Average | 3.0 | 3.0 | 3.0 | 3.0 |
| Cadmium (7) | | | | | 1 Hour Average | 3.0 | 3.0 | 3.0 | 3.0 |
| 4 Day Average | 0.25 | 0.25 | 0.25 | 0.25 | Aldrin | | | | |
| 1 Hour Average | 2.0 | 2.0 | 2.0 | 2.0 | 1 Hour Average | 1.5 | 1.5 | 1.5 | 1.5 |
| Chromium (Hexavalent) | | | | | Chlordane | | | | |
| 4 Day Average | 11 | 11 | 11 | 11 | 4 Day Average | 0.0043 | 0.0043 | 0.0043 | 0.0043 |
| 1 Hour Average | 16 | 16 | 16 | 16 | 1 Hour Average | 1.2 | 1.2 | 1.2 | 1.2 |
| Chromium (Trivalent) (7) | | | | | Chlorpyrifos | | | | |
| 4 Day Average | 74 | 74 | 74 | 74 | 4 Day Average | 0.041 | 0.041 | 0.041 | 0.041 |
| 1 Hour Average | 570 | 570 | 570 | 570 | 1 Hour Average | 0.083 | 0.083 | 0.083 | 0.083 |
| Copper (7) | | | | | 4,4' -DDT | | | | |
| 4 Day Average | 9 | 9 | 9 | 9 | 4 Day Average | 0.0010 | 0.0010 | 0.0010 | 0.0010 |
| 1 Hour Average | 13 | 13 | 13 | 13 | 1 Hour Average | 0.55 | 0.55 | 0.55 | 0.55 |
| Cyanide (Free) | | | | | Diazinon | | | | |
| 4 Day Average | 5.2 | 5.2 | 5.2 | | 4 Day Average | 0.17 | 0.17 | 0.17 | 0.17 |
| 1 Hour Average | 22 | 22 | 22 | 22 | 1 Hour Average | 0.17 | 0.17 | 0.17 | 0.17 |
| Iron (Maximum) | 1000 | 1000 | 1000 | 1000 | Dieldrin | | | | |
| Lead (7) | | | | | 4 Day Average | 0.056 | 0.056 | 0.056 | 0.056 |
| 4 Day Average | 2.5 | 2.5 | 2.5 | 2.5 | 1 Hour Average | 0.24 | 0.24 | 0.24 | 0.24 |
| 1 Hour Average | 65 | 65 | 65 | 65 | Alpha-Endosulfan | | | | |
| Mercury | | | | | 4 Day Average | 0.056 | 0.056 | 0.056 | 0.056 |
| 4 Day Average | 0.012 | 0.012 | 0.012 | 0.012 | 1 Hour Average | 0.11 | 0.11 | 0.11 | 0.11 |
| Nickel (7) | | | | | beta-Endosulfan | | | | |
| 4 Day Average | 52 | 52 | 52 | 52 | 4 Day Average | 0.056 | 0.056 | 0.056 | 0.056 |
| 1 Hour Average | 468 | 468 | 468 | 468 | 1 Day Average | 0.11 | 0.11 | 0.11 | 0.11 |
| Selenium | | | | | Endrin | | | | |
| 4 Day Average | 4.6 | 4.6 | 4.6 | 4.6 | 4 Day Average | 0.036 | 0.036 | 0.036 | 0.036 |
| 1 Hour Average | 18.4 | 18.4 | 18.4 | 18.4 | 1 Hour Average | 0.086 | 0.086 | 0.086 | 0.086 |
| Selenium (14) Gilbert Bay (Class 5A) Great Salt Lake Geometric Mean over Nesting Season (mg/kg dry wt) | | | | 12.5 | Heptachlor | | | | |
| Silver | | | | | 4 Day Average | 0.0038 | 0.0038 | 0.0038 | 0.0038 |
| 1 Hour Average (7) | 1.6 | 1.6 | 1.6 | 1.6 | 1 Hour Average | 0.26 | 0.26 | 0.26 | 0.26 |
| Tributyltin | | | | | Heptachlor epoxide | | | | |
| 4 Day Average | 0.072 | 0.072 | 0.072 | 0.072 | 4 Day Average | 0.0038 | 0.0038 | 0.0038 | 0.0038 |
| 1 Hour Average | 0.46 | 0.46 | 0.46 | 0.46 | 1 Hour Average | 0.26 | 0.26 | 0.26 | 0.26 |
| Zinc (7) | | | | | Hexachlorocyclohexane (Lindane) | | | | |
| 4 Day Average | 120 | 120 | 120 | 120 | 4 Day Average | 0.08 | 0.08 | 0.08 | 0.08 |
| 1 Hour Average | 120 | 120 | 120 | 120 | 1 Hour Average | 1.0 | 1.0 | 1.0 | 1.0 |
| INORGANICS (MG/L) (4) | | | | | Methoxychlor (Maximum) | 0.03 | 0.03 | 0.03 | 0.03 |
| Total Ammonia as N (9) | | | | | Mirex (Maximum) | 0.001 | 0.001 | 0.001 | 0.001 |
| 30 Day Average | (9a) | (9a) | (9a) | (9a) | Nonylphenol | | | | |
| 1 Hour Average | (9b) | (9b) | (9b) | (9b) | 4 Day Average | 6.6 | 6.6 | 6.6 | 6.6 |
| Chlorine (Total Residual) | | | | | 1 Hour Average | 28.0 | 28.0 | 28.0 | 28.0 |
| 4 Day Average | 0.011 | 0.011 | 0.011 | 0.011 | Parathion | | | | |
| 1 Hour Average | 0.019 | 0.019 | 0.019 | 0.019 | 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 |
| Pentachloropheno1 (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 | 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~~ Director 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~~ Director 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:

$$\text{mg/l as N (Chronic)} = ((0.0577 / (1 + 10^{7.688 - \text{pH}})) + (2.487 / (1 + 10^{\text{pH} - 7.688}))) * \text{MIN}(2.85, 1.45 * 10^{0.028 * (25 - \text{MAX}(1, 7))})$$
 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~~ Director, 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~~ Director 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 "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-dissociated 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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KEY: water pollution, water quality standards
Date of Enactment or Last Substantive Amendment: 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 CHANGE IN PROPOSED RULE
 DAR FILE NO.: 37362
 FILED: 07/01/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are in response to public comments received. This is a public notice period only. No additional comments are being solicited.

SUMMARY OF THE RULE OR CHANGE: The changes are the clarification of a definition in Section R317-15-2, an explanation of water quality standards in Subsection R317-15-4(4.1)(J), and a typo correction in Subsection R317-15-4(4.4). (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the March 15, 2013, issue of the Utah State Bulletin, on page 44. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

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. The changes are the clarification of a definition in Section R317-15-2, an explanation of water quality standards in Subsection R317-15-4(4.1)(J), and a typo correction in Subsection R317-15-4(4.4).
- ◆ **LOCAL GOVERNMENTS:** No additional costs or savings to local governments' budgets are anticipated from the proposed amendments. The changes are limited to clarification of a definition in Section R317-15-2, an explanation of water quality standards in Subsection R317-15-4(4.1)(J), and a typo correction in Subsection R317-15-4(4.4).
- ◆ **SMALL BUSINESSES:** No additional costs or savings to small businesses' budgets are anticipated from the proposed amendments. The changes are the clarification of a definition in Section R317-15-2, an explanation of water quality standards in Subsection R317-15-4(4.1)(J), and a typo correction in Subsection R317-15-4(4.4).

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No additional costs or saving to persons are anticipated from the proposed amendments. The changes are the clarification of a definition in Section R317-15-2, an explanation of water quality standards in Subsection R317-15-4(4.1)(J), and a typo correction in Subsection R317-15-4(4.4).

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs from the proposed amendments are anticipated to remain the same for affected persons. The changes are the clarification of a definition in Section R317-15-2, an explanation of water quality standards in Subsection R317-15-4(4.1)(J), and a typo correction in Subsection R317-15-4(4.4).

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 Clean Water Act in 1972. The proposed amendments to the proposed 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. The proposed amendments 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

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2013

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]~~ means an exemption from the requirement to obtain an individual Water Quality Certification for certain activities deemed insignificant effect on water quality and may be issued to Section 404 nationwide or regional general permits.

"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. Section 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 including anti-degradation requirements, beneficial use designations, narrative standards and numeric criteria;
- 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, the 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 Certification 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

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the 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.

Health, Disease Control and Prevention, Immunization

R396-100

Immunization Rule for Students

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37806
FILED: 06/28/2013

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 by Section 53A-11-303 directing the Department to adopt rules and enforce immunizations standards for entry into public, private, or parochial schools through grade 12, licensed day care center, child care facility, family care home or Head Start program unless exempted for personal, medical, or religious objections.

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 rule was last updated and changes enacted in 2007 to address the addition of seventh grade school entry requirements. Since the modifications to the rule have been enacted, the Department has not received comments indicating a need to revise this rule further at this time.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: One of the important reasons for requiring

school vaccinations is to ensure that children and adults in school and day care group environments are protected from vaccine preventable diseases. All states have school immunization requirements and they are a highly effective public health measure in ensuring against vaccine preventable diseases. The rule also allows the option for those with a philosophical, religious, or medical reason to obtain an exemption from the requirement. Therefore, this rule should be continued.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
IMMUNIZATION
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Linda Abel by phone at 801-538-9450, by FAX at 801-538-9440, or by Internet E-mail at label@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 06/28/2013

Health, Family Health and Preparedness, Children with Special Health Care Needs

R398-2

Newborn Hearing Screening

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37810
FILED: 07/01/2013

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: The purpose of this rule is to facilitate early detection, prompt referral, and early habilitation of infants with significant, permanent hearing loss. Authority for the Newborn Hearing Screening program and promulgation of rules to implement the program are found in Section 26-10-6.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Newborn hearing screening is recognized internationally as a proven method of identifying newborns with hearing loss. Early identification allows for early intervention and development of appropriate speech and language skills, academic success and emotional security. Therefore, this rule should be continued.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
44 N MARIO CAPECCHI DR
SALT LAKE CITY, UT 84113
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Richard Harward by phone at 801-584-8529, by FAX at 801-584-8492, or by Internet E-mail at rharward@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 07/01/2013

**Health, Health Care Financing,
Coverage and Reimbursement Policy****R414-55****Medicaid Policy for Hospital
Emergency Department Copayment
Procedures****FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 37807
FILED: 06/28/2013

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 26-18-3 requires the Department to implement by rule policies for non-emergency services in outpatient hospital emergency settings. In addition, 42 CFR 447.51 through 447.58 set forth State Plan requirements and options for cost sharing, specify the standards and conditions for cost sharing, and set forth the cost sharing amounts and methods allowed under federal law.

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 did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it defines emergency services to help Medicaid recipients and Medicaid providers to understand cost sharing responsibilities for non-emergency services. The Department will also continue this rule because it refers recipients and providers to copayment policy found in the Medicaid State Plan and in administrative rule.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 06/28/2013

Insurance, Administration
R590-247

Universal Health Insurance Application
Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37768
FILED: 06/26/2013

**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: Sections 31A-22-635 and 31A-30-102 direct the commissioner to create a universal health insurance application.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In regards to changes being made to the rule at the time, Altius Insurance Company and American Health Insurance Plans (AHIP) requested changes to the application, which was not included in the rule. These changes were made to the application.

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 has made it possible for an individual to complete one application for individual health insurance to be submitted to multiple health insurance companies instead of completing one for each company. It saves time and effort on everyone's part. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/26/2013

Natural Resources, Parks and
Recreation
R651-601

Definitions as Used in These Rules

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37762
FILED: 06/25/2013

**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: This rule is enacted under Section 79-4-304 and states that the Utah State Parks and Recreation board has rulemaking authority. These are the definitions for those rules. The rules provide protection to park visitors and park resources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five year review from anyone supporting or opposing 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: Utah State Parks and Recreation rules provide protection to park visitors and park resources. The definitions clarify several key words within the rules. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/25/2013

**Natural Resources, Parks and
Recreation
R651-602
Aircraft and Powerless Flight**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 37764
FILED: 06/25/2013

**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: This rule is enacted under Section 79-4-501 because it enhances safety for the park visitors and property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 enhances safety for the park visitors and property. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/25/2013

**Natural Resources, Parks and
Recreation
R651-603
Animals**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 37765
FILED: 06/25/2013

**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: The Utah State Parks Board is a rulemaking authority under Section 79-4-304; Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 is in place to protect state parks and park property from misuse or damage and to preserve peace within state parks to provide a more positive experience for visitors. This rule provides for health and safety of park visitors against unattended animals, dangerous animals, other animals and wildlife. It also protects wildlife within state parks. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/25/2013

EFFECTIVE: 06/25/2013

**Natural Resources, Parks and Recreation
R651-604
Audio Devices**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37766
FILED: 06/25/2013

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: The Utah State Parks Board is a rulemaking authority under Section 79-4-304; Park rangers are given authority under Section 79-4-501 and may enforce rules to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 is in place to preserve peace within state parks in order to provide a more positive experience for visitors and to set perimeters for use of a public address system within a state park. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

**Natural Resources, Parks and Recreation
R651-605
Begging and Soliciting**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37767
FILED: 06/25/2013

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: The Utah State Parks Board is a rulemaking authority under Section 79-4-304; Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state park visitors. Begging and soliciting is prohibited in order to protect visitors from unwanted solicitation and begging and to protect park property from littering that may occur as a result of soliciting.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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: Begging and soliciting is prohibited in order to protect visitors from unwanted solicitation and begging and to protect park property from littering that may occur as a result of soliciting. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/25/2013

**Natural Resources, Parks and
Recreation
R651-606
Camping**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37771
FILED: 06/27/2013

**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 enacted under Section 79-4-501. The Division of Utah State Parks and Recreation has the duty to protect state parks and park property from misuse or damage. This rule also protects visitors within state parks who have made reservations of a site and guarantees specific use of such sites and facilities. It stipulates quiet hours so that a camping experience can be an enjoyable one.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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: The Division of Utah State Parks and Recreation has the duty to protect state parks and park property from misuse or damage. This rule also protects visitors within state parks who have made reservations of a site and guarantees specific use of such sites and facilities. It stipulates quiet hours so that a camping experience can be an enjoyable one. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

**Natural Resources, Parks and
Recreation
R651-607
Disorderly Conduct**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37772
FILED: 06/27/2013

**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 enacted under Section 79-4-501 and is required because the division has the duty to protect state parks and park property from misuse or damage. It also protects visitors within state parks by eliminating disorderly conduct and allowing employees of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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: The division has the duty to protect state parks and park property from misuse or damage. It also protects visitors within state parks by eliminating disorderly conduct and allowing employees of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

Natural Resources, Parks and
Recreation
R651-608
Events of Special Uses

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37776
FILED: 06/27/2013

**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 enacted under Section 79-4-501 and is created to provide a fair way for public or private entities to participate in a commercial activity or scheduled event on state park property through a permitting process.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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: The rule is created to provide a fair way for public or private entities to participate in a commercial activity or scheduled event on state park property through a permitting process. Therefore, this rule should be continued.

Natural Resources, Parks and
Recreation
R651-609
Explosives and Fireworks

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37790
FILED: 06/27/2013

**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 enacted under Section 79-4-501 and was created to protect state park visitors and resources. It allows employees of the Division of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 was created to protect state park visitors and resources. It allows employees of the Division of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

EFFECTIVE: 06/27/2013

**Natural Resources, Parks and Recreation
 R651-610
 Expulsion**

**Natural Resources, Parks and Recreation
 R651-613
 Fires**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37791
 FILED: 06/27/2013

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37792
 FILED: 06/27/2013

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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: Park rangers are given authority under Sections 79-4-501 and 53-13-301 to enforce rules for the protection of state parks and park property. This rule allows for expulsion of any person or persons who are in violation of any rules promulgated under Section 79-4-304.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property and to protect park visitors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons supporting or opposing the rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 allows for expulsion of visitors who are in violation of any rules promulgated under Section 79-4-304. Therefore, this rule should be continued.

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 designates appropriate use of fire within state parks and provides for the protection of visitors and park resources. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

Natural Resources, Parks and
Recreation
R651-614
Fishing, Hunting and Trapping

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37793
FILED: 06/27/2013

**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: Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 makes wildlife laws applicable and designates hunting for specific game and waterfowl within state parks. This rule also provides protection for park visitors and park resources. It prohibits trapping except when authorized by permit from a park manager. Therefore, this rule should be continued.

Natural Resources, Parks and
Recreation
R651-615
Motor Vehicle Use

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37794
FILED: 06/27/2013

**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 enacted under Sections 79-4-501, 41-22-10, and 79-4-203. The Division of Utah State Parks and Recreation Board may appoint and seek recommendations from the Off-Highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests. Park rangers have the duty to protect state parks and park property from misuse or damage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 designates protection for state park resources and visitors. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

EFFECTIVE: 06/27/2013

Natural Resources, Parks and Recreation
R651-616
 Organized Sports

Natural Resources, Parks and Recreation
R651-617
 Permit Violation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37798
 FILED: 06/27/2013

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37800
 FILED: 06/27/2013

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah State Parks Board is a rulemaking authority under Section 79-4-304; Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

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 enacted under Section 79-4-501 and was created to protect state park visitors and resources. It allows employees of the Division of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons supporting or opposing the rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 was created to protect state park visitors and resources. It allows employees of the Division of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property. Therefore, this rule should be continued.

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 provides a way to protect against fraudulent permits or misuse of a park annual pass. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

**Natural Resources, Parks and Recreation
R651-618
Picnicking**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37801
FILED: 06/27/2013

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: Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 established areas that are appropriate and suitable for picnicking withing state parks. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION

ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

**Natural Resources, Parks and Recreation
R651-619
Possession of Alcoholic Beverages or Controlled Substances**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37802
FILED: 06/27/2013

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: Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 rules established areas that are appropriate for alcohol consumption within a state park. Park rangers have authority and may enforce rules for the protection of state parks and park resources and may also enforce them to preserve peace within state parks. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION

ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

Natural Resources, Parks and Recreation
R651-620
Protection of Resources Park System Property

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37803
 FILED: 06/27/2013

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: The Utah State Parks Board is a rulemaking authority and under Section 79-4-502 it states that any violation of rules of the Board of Parks and Recreation is an infraction.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 establishes that offenses against capital improvements, and natural and cultural resources will normally be handled through Utah Criminal Code. It addresses such things as trespass, tossing, throwing or rolling of rock and other materials within state parks, as well as collecting or cutting firewood. It prohibits use of glass containers in posted areas such as beaches and states that metal detecting is prohibited without a permit. This rule protects park property and resources as well as park visitors. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

Natural Resources, Parks and Recreation
R651-621
Reports of Injury or Damage

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37804
 FILED: 06/27/2013

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: Park rangers are given authority under Section 79-4-501 and may enforce rules for the protection of state parks and park property from misuse or damage and to preserve peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 protects parks visitors and provides a process for reporting incidents that involve personal injury or damage to property, public or private. It also protects park cultural and natural resources. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/27/2013

**Natural Resources, Parks and
Recreation
R651-630
Unsupervised Children**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37761

FILED: 06/25/2013

**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: This rule is enacted under Section 79-4-501 and is required because the division has the duty to protect state parks and park property from misuse or damage. It allows employees of Utah State Parks who are POST-certified peace officers to serve civil process with regards to misuse of state parks and park property. It also protects visitors within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review from interested persons 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 provides protection of children by providing a requirement for adult supervision for those under age 16. It allows employees of Utah State Parks who are POST-certified peace officers to serve civil process with

regards to misuse of state parks and park resources as well. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 06/25/2013

**Natural Resources; Forestry, Fire and
State Lands
R652-7**

Public Petitions for Declaratory Orders

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37751

FILED: 06/19/2013

**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 implements Section 63G-4-503 which authorizes the Division of Forestry, Fire, and State Lands to set forth procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the agency.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received to date.

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 allows for public petitions for a declaratory order. This rule sets forth the procedures for such petition, along with petition review and disposition. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 FORESTRY, FIRE AND STATE LANDS
 1594 W NORTH TEMPLE
 STE 3520
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 FORESTRY, FIRE AND STATE LANDS
 1594 W NORTH TEMPLE
 STE 3520
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

AUTHORIZED BY: Richard Buehler, Director

AUTHORIZED BY: Richard Buehler, Director

EFFECTIVE: 06/19/2013

EFFECTIVE: 06/19/2013

Natural Resources; Forestry, Fire and State Lands
R652-110
Off-Highway Vehicle Designations

Public Safety, Peace Officer Standards and Training
R728-501
Career Development Courses

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37752
 FILED: 06/19/2013

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 37805
 FILED: 06/28/2013

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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 implements Section 41-22-10.1 which requires off-highway vehicle use designation.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 53-6-105 which allows the director to make rules necessary to administer the issuance of appropriate certificates to peace officers completing basic training programs and other advanced officer training programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received to date.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received during and since the last five-year review of this rule from interested persons 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 implements Section 41-22-10.1 which requires off-highway vehicle use designation on lands administered by the Division of Forestry, Fire, and State Lands. This rule sets forth the off-highway vehicle (OHV) use categories, method of designating OHV use and the director's authority with regard to OHV use. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A continuation of this rule is necessary because it describes the programs and requirements associated with the Utah Peace Officer Standards and

Training basic training course, advanced officer certification, first-line supervisor course, mid-management certification, and executive development institute.

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY, UT 84070
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Kelly Sparks by phone at 801-256-2321, by FAX at 801-256-0600, or by Internet E-mail at ksparks@utah.gov

AUTHORIZED BY: Scott Stephenson, Director

EFFECTIVE: 06/28/2013

Public Service Commission,
Administration

R746-110

Uncontested Matters to be Adjudicated
Informally

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37757

FILED: 06/24/2013

**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 54-4-1 provides the Public Service Commission (PSC) general jurisdiction to regulate every public utility in Utah and to supervise all of the business of every such public utility in Utah, and to do all things necessary or convenient in the exercise of that power and jurisdiction. Section 63G-4-203 requires the PSC to enact rules designating one or more categories of adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE

RULE, IF ANY: This rule should be continued to allow the PSC to continue its compliance with Sections 54-4-1 and 63G-4-203.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov

◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Jordan White, Legal Counsel

EFFECTIVE: 06/24/2013

Public Service Commission,
Administration

R746-210

Utility Service Rules Applicable Only to
Electric Utilities

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 37759

FILED: 06/24/2013

**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: Sections 113 and 115 of the Public Utility Regulatory Policy Act (PURPA) 16 USCA standards for Master Metered Multiple Tenancy Dwellings make it necessary for the Public Service Commission (PSC) to set the standards and exemptions in this rule. Sections 54-4-1 and 54-3-1 direct the PSC and utilities to provide "just and reasonable service" which includes reduction of periodic variations in demand and encouraging conservation of resources and energy.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The standards in this rule, for master metered multiple tenancy dwellings, continue to be relevant and necessary to the PSC's duty to supervise and regulate electric utility companies in Utah so the rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Jordan White, Legal Counsel

EFFECTIVE: 06/24/2013

**Public Service Commission,
Administration
R746-240
Telecommunication Service Rules**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 37760
FILED: 06/24/2013

**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 54-4-1 authorizes the Public Service Commission (PSC) to regulate every public utility in Utah and supervise the business of those public utilities necessary to accomplish that regulation and supervision. Section 54-4-7 requires that the PSC provide rules to ensure that utility service and equipment is just, safe, proper, and adequate. Subsection 54-8b-18(10) states that, "the commission may promulgate rules: (a) necessary to implement this section; (b) consistent with any rules promulgated by the Federal Communications Commission; and (c) in a nondiscriminatory and competitively neutral manner." Subsection 54-4-37(23) states, "The commission is

granted authority to: (a) enforce this section; and (b) implement rules to carry out the requirements of this section."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule remains necessary to provide guidelines for telecommunication service and resolution of customer complaints and should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Jordan White, Legal Counsel

EFFECTIVE: 06/24/2013

**Public Service Commission,
Administration
R746-340
Service Quality for Telecommunications
Corporations**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 37758
FILED: 06/24/2013

**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 54-4-1 provides the Public Service Commission (PSC) general jurisdiction to regulate every public utility in Utah and to supervise all of the business of every such public utility in Utah, and to do all

things necessary or convenient in the exercise of that power and jurisdiction. Section 54-4-14 authorizes the PSC to make rules that require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks and premises that promote and safeguard the health and safety of its employees, customers, and the public, and the installation, use, maintenance, and operation of appropriate safety or other devices or appliances and to establish standards of construction and equipment, and to require the performance of any other acts which the health or safety of its employees, customers, or the public may demand. Section 54-4-23 authorizes the PSC to establish a system of accounts to be kept by public utilities subject to its jurisdiction and to determine the manner in which such accounts shall be kept. It may also, in its discretion, prescribe the forms of accounts, records and memorandum to be kept by such public utilities and any forms, records, and memorandum which in the judgment of the commission may be necessary to comply with the provisions of this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary to ensure that adequate and satisfactory service will be rendered to the public by telecommunications utilities under the jurisdiction of the PSC, and therefore, should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Jordan White, Legal Counsel

EFFECTIVE: 06/24/2013

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

Administrative Services

Finance

No. 37558 (AMD): R25-5. Payment of Per Diem to Boards
Published: 05/15/2013
Effective: 06/21/2013

No. 37556 (AMD): R25-7. Travel-Related Reimbursements for State Employees
Published: 05/15/2013
Effective: 06/21/2013

No. 37557 (AMD): R25-8. Overtime Meal Allowance
Published: 05/15/2013
Effective: 06/21/2013

Alcoholic Beverage Control

Administration

No. 37363 (AMD): R81-1-31. Duties of Commission Subcommittees
Published: 03/15/2013
Effective: 06/25/2013

No. 37363 (CPR): R81-1-31. Duties of Commission Subcommittees
Published: 05/15/2013
Effective: 06/25/2013

Commerce

Occupational and Professional Licensing

No. 37533 (AMD): R156-75. Genetic Counselors Licensing Act Rule
Published: 05/15/2013
Effective: 06/24/2013

Real Estate

No. 37530 (AMD): R162-2f. Real Estate Licensing and Practices Rules
Published: 05/15/2013
Effective: 06/21/2013

Education

Administration

No. 37537 (AMD): R277-531-3. Public Educator Evaluation Framework
Published: 05/15/2013
Effective: 06/24/2013

Environmental Quality

Air Quality

No. 37268 (AMD): R307-401-19. Analysis of Alternatives
Published: 03/01/2013
Effective: 07/01/2013

No. 37268 (CPR): R307-401-19. Analysis of Alternatives
Published: 06/01/2013
Effective: 07/01/2013

No. 37269 (AMD): R307-401-20. Relaxation of Limitations
Published: 03/01/2013
Effective: 07/01/2013

No. 37269 (CPR): R307-401-20. Relaxation of Limitations
Published: 06/01/2013
Effective: 07/01/2013

No. 37263 (AMD): R307-403-1. Definitions
Published: 03/01/2013
Effective: 07/01/2013

No. 37263 (CPR): R307-403-1. Purpose and Definitions
Published: 06/01/2013
Effective: 07/01/2013

No. 37264 (AMD): R307-403-2. Emission Limitations
Published: 03/01/2013
Effective: 07/01/2013

No. 37264 (CPR): R307-403-2. Applicability
 Published: 06/01/2013
 Effective: 07/01/2013

No. 37266 (AMD): R307-403-10. Analysis of Alternatives
 Published: 03/01/2013
 Effective: 07/01/2013

No. 37266 (CPR): R307-403-10. Analysis of Alternatives
 Published: 06/01/2013
 Effective: 07/01/2013

No. 37267 (AMD): R307-403-11. Actuals PALs
 Published: 03/01/2013
 Effective: 07/01/2013

No. 37267 (CPR): R307-403-11. Actuals PALs
 Published: 06/01/2013
 Effective: 07/01/2013

No. 37265 (AMD): R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties
 Published: 03/01/2013
 Effective: 07/01/2013

No. 37265 (CPR): R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties
 Published: 06/01/2013
 Effective: 07/01/2013

Water Quality

No. 37581 (AMD): R317-8. Utah Pollutant Discharge Elimination System (UPDES)
 Published: 05/15/2013
 Effective: 07/01/2013

Governor

Planning and Budget, Inspector General of Medicaid Services (Office of)
 No. 37536 (R&R): R367-1. Office of Inspector General of Medicaid Services
 Published: 05/15/2013
 Effective: 06/21/2013

Health

Disease Control and Prevention, Health Promotion
 No. 37453 (AMD): R384-201. School-Based Vision Screening for Students in Public Schools
 Published: 04/15/2013
 Effective: 07/01/2013

Disease Control and Prevention, Environmental Services
 No. 37454 (AMD): R392-510-6. Requirements for Smoking Permitted Areas
 Published: 04/15/2013
 Effective: 07/01/2013

Health Care Financing, Coverage and Reimbursement Policy
 No. 37546 (AMD): R414-1-30. Governing Hierarchy
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37578 (AMD): R414-11. Podiatry Services
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37528 (AMD): R414-70. Medical Supplies, Durable Medical Equipment, and Prosthetic Devices
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37576 (AMD): R414-401-3. Assessment
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37577 (AMD): R414-506. Hospital Provider Assessments
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37549 (AMD): R414-509. Medicaid Autism Waiver Open Enrollment Process
 Published: 05/15/2013
 Effective: 06/28/2013

Human Resource Management Administration

No. 37561 (AMD): R477-1-1. Definitions
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37562 (AMD): R477-2. Administration
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37563 (AMD): R477-4. Filling Positions
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37564 (AMD): R477-5. Employee Status and Probation
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37565 (AMD): R477-6. Compensation
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37566 (AMD): R477-7. Leave
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37567 (AMD): R477-8. Working Conditions
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37568 (AMD): R477-9. Employee Conduct
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37569 (AMD): R477-10-3. Employee Development and Training
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37570 (AMD): R477-11. Discipline
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37571 (AMD): R477-12. Separations
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37572 (AMD): R477-13. Volunteer Programs
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37573 (AMD): R477-14. Substance Abuse and Drug-Free Workplace
 Published: 05/15/2013
 Effective: 07/01/2013

No. 37574 (AMD): R477-15. Workplace Harassment Prevention Policy and Procedure
 Published: 05/15/2013
 Effective: 07/01/2013

Human Services

Child and Family Services
 No. 37527 (REP): R512-52. Drug Testing Copayment for Parents of Children in Child and Family Services Custody
 Published: 05/15/2013
 Effective: 06/21/2013

Natural Resources

Oil, Gas and Mining; Oil and Gas
 No. 37545 (R&R): R649-9. Waste Management and Disposal
 Published: 05/15/2013
 Effective: 07/01/2013

Public Safety

Driver License
 No. 37554 (R&R): R708-32. Uninsured Motorist Database
 Published: 05/15/2013
 Effective: 06/30/2013

No. 37555 (NEW): R708-49. Temporary Identification Card
 Published: 05/15/2013
 Effective: 06/30/2013

Public Service Commission

Administration
 No. 37449 (AMD): R746-343-15. Surcharge
 Published: 04/15/2013
 Effective: 07/01/2013

No. 37447 (AMD): R746-405. Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities
 Published: 04/15/2013
 Effective: 06/20/2013

Regents (Board of)

Administration
 No. 37547 (AMD): R765-605. Utah Centennial Opportunity Program for Education
 Published: 05/15/2013
 Effective: 06/24/2013

Workforce Services

Employment Development
 No. 37541 (AMD): R986-100-118a. Improper Access of Public Assistance Benefits
 Published: 05/15/2013
 Effective: 06/27/2013

Housing and Community Development

No. 37542 (AMD): R990-101. Qualified Emergency Food Agencies Fund (QEFAF)
 Published: 05/15/2013
 Effective: 07/01/2013

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 July 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 | |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
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| ADMINISTRATIVE SERVICES | | | | | |
| <u>Archives</u> | | | | | |
| R17-5 | Definitions for Rules in Title R17 | 37653 | 5YR | 05/17/2013 | 2013-12/49 |
| R17-6 | Records Storage and Disposal at the State Records Center | 37654 | 5YR | 05/17/2013 | 2013-12/49 |
| R17-7 | Archival Records Care and Access at the State Archives | 37659 | 5YR | 05/28/2013 | 2013-12/50 |
| R17-8 | Application of Microfilm Standards | 37655 | 5YR | 05/17/2013 | 2013-12/50 |
| <u>Facilities Construction and Management</u> | | | | | |
| R23-13 | State of Utah Parking Rules for Facilities Managed by the Division of Facilities and Construction and Management | 37357 | 5YR | 02/20/2013 | 2013-6/49 |
| R23-22 | General Procedures for Acquisition and Selling of Real Property | 37358 | 5YR | 02/20/2013 | 2013-6/49 |
| <u>Finance</u> | | | | | |
| R25-5 | Payment of Per Diem to Boards | 37521 | 5YR | 04/15/2013 | 2013-9/29 |
| R25-5 | Payment of Per Diem to Boards | 37558 | AMD | 06/21/2013 | 2013-10/6 |
| R25-6 | Relocation Reimbursement | 37522 | 5YR | 04/15/2013 | 2013-9/29 |
| R25-7 | Travel-Related Reimbursements for State Employees | 37523 | 5YR | 04/15/2013 | 2013-9/30 |
| R25-7 | Travel-Related Reimbursements for State Employees | 37556 | AMD | 06/21/2013 | 2013-10/7 |
| R25-8 | Overtime Meal Allowance | 37524 | 5YR | 04/15/2013 | 2013-9/30 |
| R25-8 | Overtime Meal Allowance | 37557 | AMD | 06/21/2013 | 2013-10/12 |
| <u>Fleet Operations</u> | | | | | |
| R27-3 | Vehicle Use Standards | 36949 | AMD | 03/07/2013 | 2012-22/11 |
| R27-3-5 | Personal Use Standards | 37392 | AMD | 06/07/2013 | 2013-7/4 |
| <u>Purchasing and General Services</u> | | | | | |
| R33-3-3 | Small Purchases | 37633 | EMR | 05/15/2013 | 2013-11/81 |
| AGRICULTURE AND FOOD | | | | | |
| <u>Animal Industry</u> | | | | | |
| R58-6 | Poultry | 37248 | R&R | 03/25/2013 | 2013-4/6 |
| R58-18 | Elk Farming | 37246 | AMD | 03/25/2013 | 2013-4/12 |
| R58-19 | Compliance Procedures | 37247 | AMD | 03/25/2013 | 2013-4/13 |
| R58-21 | Trichomoniasis | 36962 | AMD | 01/04/2013 | 2012-22/16 |
| <u>Conservation and Resource Management</u> | | | | | |
| R64-2 | Utah Conservation Commission Proposed Electronic Meetings | 37698 | 5YR | 06/04/2013 | 2013-13/229 |
| <u>Horse Racing Commission (Utah)</u> | | | | | |
| R52-7 | Horse Racing | 37420 | EMR | 03/20/2013 | 2013-8/47 |

Plant Industry

| | | | | | |
|--------|--|-------|-----|------------|-------------|
| R68-1 | Utah Bee Inspection Act Governing Inspection of Bees | 37631 | NSC | 06/07/2013 | Not Printed |
| R68-2 | Utah Commercial Feed Act Governing Feed. | 37632 | NSC | 06/07/2013 | Not Printed |
| R68-5 | Grain Inspection | 37249 | 5YR | 02/05/2013 | 2013-5/189 |
| R68-9 | Utah Noxious Weed Act | 37700 | 5YR | 06/06/2013 | 2013-13/229 |
| R68-14 | Quarantine Pertaining to Gypsy Moth - Lymantria Dispar | 37445 | 5YR | 03/27/2013 | 2013-8/53 |
| R68-16 | Quarantine Pertaining to Pine Shoot Beetle, Tomticus piniperda | 37669 | 5YR | 05/30/2013 | 2013-12/51 |

Regulatory Services

| | | | | | |
|------------|----------------------------|-------|-----|------------|------------|
| R70-310 | Grade A Pasteurized Milk | 37027 | AMD | 01/29/2013 | 2012-23/6 |
| R70-320-18 | Transport Tanks, Operators | 36915 | AMD | 01/29/2013 | 2012-21/8 |
| R70-330 | Raw Milk for Retail | 36914 | AMD | 01/29/2013 | 2012-21/9 |
| R70-330 | Raw Milk for Retail | 37620 | EMR | 05/14/2013 | 2013-11/84 |

ALCOHOLIC BEVERAGE CONTROL

Administration

| | | | | | |
|-----------|--|-------|-----|------------|-------------|
| R81-1-31 | Duties of the Commission Subcommittees | 37611 | EMR | 05/13/2013 | 2013-11/88 |
| R81-1-31 | Duties of Commission Subcommittees | 37363 | AMD | 06/25/2013 | 2013-6/4 |
| R81-1-31 | Duties of Commission Subcommittees | 37363 | CPR | 06/25/2013 | 2013-10/206 |
| R81-2-12 | Store Site Selection | 37365 | AMD | 04/30/2013 | 2013-6/5 |
| R81-4A-2 | Application | 37367 | AMD | 04/30/2013 | 2013-6/5 |
| R81-4B-2 | Application | 37368 | AMD | 04/30/2013 | 2013-6/6 |
| R81-4C-2 | Application | 37369 | AMD | 04/30/2013 | 2013-6/7 |
| R81-4D-2 | Application | 37370 | AMD | 04/30/2013 | 2013-6/8 |
| R81-4E-2 | Application | 37371 | AMD | 04/30/2013 | 2013-6/9 |
| R81-4F-2 | Application | 37372 | AMD | 04/30/2013 | 2013-6/10 |
| R81-5-2 | Application | 37373 | AMD | 04/30/2013 | 2013-6/11 |
| R81-5-18 | Age Verification - Dining and Social Clubs | 37619 | NSC | 06/07/2013 | Not Printed |
| R81-9-1 | Application | 37377 | AMD | 04/30/2013 | 2013-6/12 |
| R81-10 | Off-Premise Beer Retailers | 37673 | 5YR | 05/31/2013 | 2013-12/51 |
| R81-10A-3 | Application | 37374 | AMD | 04/30/2013 | 2013-6/13 |
| R81-10C-2 | Application | 37375 | AMD | 04/30/2013 | 2013-6/14 |
| R81-10D-2 | Application | 37376 | AMD | 04/30/2013 | 2013-6/15 |
| R81-11-1 | Application | 37378 | AMD | 04/30/2013 | 2013-6/16 |

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| R156-1-102 | Definitions | 37199 | AMD | 03/11/2013 | 2013-3/2 |
| R156-3a-102 | Definitions | 37073 | AMD | 01/24/2013 | 2012-24/6 |
| R156-22 | Professional Engineers and Professional Land Surveyors Licensing Act Rule | 37074 | AMD | 01/24/2013 | 2012-24/7 |
| R156-24b-503 | Physical Therapist Supervisory Authority and Responsibility | 37526 | AMD | 06/10/2013 | 2013-9/2 |
| R156-31b | Nurse Practice Act Rule | 37417 | 5YR | 03/18/2013 | 2013-8/53 |
| 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 |
| R156-37f | Controlled Substance Database Act Rule | 37039 | NEW | 01/08/2013 | 2012-23/21 |
| R156-44a | Nurse Midwife Practice Act Rules | 37071 | AMD | 01/22/2013 | 2012-24/11 |

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| R156-55a | Utah Construction Trades Licensing Act Rule | 37364 | AMD | 04/22/2013 | 2013-6/17 |
| R156-67-306 | Exemptions from Licensure | 37270 | AMD | 04/08/2013 | 2013-5/10 |
| R156-68 | Utah Osteopathic Medical Practice Act Rule | 37272 | 5YR | 02/07/2013 | 2013-5/191 |
| R156-68-306 | Exemptions from Licensure | 37271 | AMD | 04/08/2013 | 2013-5/11 |
| R156-75 | Genetic Counselors Licensing Act Rule | 37533 | AMD | 06/24/2013 | 2013-10/15 |
| R156-82 | Electronic Prescribing Act Rule | 37202 | NEW | 03/11/2013 | 2013-3/5 |
| R156-82 | Electronic Prescribing Act Rule | 37396 | NSC | 04/01/2013 | Not Printed |

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| R162-2f | Real Estate Licensing and Practices Rules | 37530 | AMD | 06/21/2013 | 2013-10/17 |
| R162-2f-403 | Trust Accounts | 37394 | AMD | 05/08/2013 | 2013-7/16 |
| R162-2f-403a | Trust Accounts | 37664 | NSC | 06/24/2013 | Not Printed |
| R162-2g | Real Estate Appraiser Licensing and Certification Administrative Rules | 36973 | AMD | 01/02/2013 | 2012-22/19 |
| R162-57a | Timeshare and Camp Resort Rules | 37076 | AMD | 04/02/2013 | 2012-24/14 |

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| R164-31 | Administrative Fines | 37660 | 5YR | 05/28/2013 | 2013-12/52 |
| R164-31-1 | Guidelines for the Assessment of Administrative Fines | 37042 | AMD | 01/08/2013 | 2012-23/26 |

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| R270-1 | Award and Reparation Standards | 37166 | NSC | 01/30/2013 | Not Printed |
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| R270-2 | Crime Victim Reparations Adjudicative Proceedings | 37167 | NSC | 01/30/2013 | Not Printed |

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| R277-104 | ADA Complaint Procedure | 37626 | 5YR | 05/15/2013 | 2013-11/97 |
| R277-113 | LEA Fiscal Policies and Accountability | 37356 | NEW | 04/22/2013 | 2013-6/28 |
| R277-113-5 | Required LEA Fiscal Policies | 37538 | NSC | 05/17/2013 | Not Printed |
| R277-403 | Student Reading Proficiency and Notice to Parents | 37708 | 5YR | 06/10/2013 | 2013-13/230 |
| R277-406 | K-3 Reading Improvement Program and the State Reading Goal | 37709 | 5YR | 06/10/2013 | 2013-13/230 |
| R277-436 | Gang Prevention and Intervention Programs in the Schools | 37627 | 5YR | 05/15/2013 | 2013-11/97 |
| R277-445-3 | Standards | 37278 | AMD | 04/08/2013 | 2013-5/13 |
| R277-460 | Distribution of Substance Abuse Prevention Account | 37628 | 5YR | 05/15/2013 | 2013-11/98 |
| R277-460-6 | Evaluation and Reports | 37419 | NSC | 04/15/2013 | Not Printed |
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| R277-469 | Instructional Materials Commission Operating Procedures | 37509 | AMD | 06/07/2013 | 2013-9/3 |
| R277-477 | Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program | 37710 | 5YR | 06/10/2013 | 2013-13/231 |
| R277-483 | Persistently Dangerous Schools | 37495 | 5YR | 04/08/2013 | 2013-9/31 |
| R277-484 | Data Standards | 37145 | AMD | 02/21/2013 | 2013-2/4 |

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| R277-491 | School Community Councils | 37629 | 5YR | 05/15/2013 | 2013-11/98 |
| R277-498 | Grant for Math Teaching Training | 37279 | NEW | 04/08/2013 | 2013-5/14 |
| R277-498-4 | Criteria for Awarding Grants | 37507 | NSC | 04/29/2013 | Not Printed |
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| R277-502 | Educator Licensing and Data Retention | 37146 | AMD | 02/21/2013 | 2013-2/10 |
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| R277-508 | Employment of Substitute Teachers | 37510 | AMD | 06/07/2013 | 2013-9/8 |
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| R277-517-5 | Board Disciplinary Actions | 37359 | NSC | 03/15/2013 | Not Printed |
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| R277-532 | Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees) | 37280 | NEW | 04/08/2013 | 2013-5/16 |
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| R651-224 | Towed Devices | 37242 | AMD | 04/12/2013 | 2013-4/22 |
| R651-407 | Off-Highway Vehicle Advisory Council | 37519 | 5YR | 04/12/2013 | 2013-9/43 |
| R651-408 | Off-Highway Vehicle Education Curriculum Standards | 36856 | REP | 01/15/2013 | 2012-20/77 |
| R651-601 | Definitions as Used in These Rules | 37762 | 5YR | 06/25/2013 | Not Printed |
| R651-602 | Aircraft and Powerless Flight | 37764 | 5YR | 06/25/2013 | Not Printed |
| R651-603 | Animals | 37765 | 5YR | 06/25/2013 | Not Printed |
| R651-604 | Audio Devices | 37766 | 5YR | 06/25/2013 | Not Printed |
| R651-605 | Begging and Soliciting | 37767 | 5YR | 06/25/2013 | Not Printed |
| R651-606 | Camping | 37771 | 5YR | 06/27/2013 | Not Printed |
| R651-607 | Disorderly Conduct | 37772 | 5YR | 06/27/2013 | Not Printed |
| R651-608 | Events of Special Uses | 37776 | 5YR | 06/27/2013 | Not Printed |
| R651-609 | Explosives and Fireworks | 37790 | 5YR | 06/27/2013 | Not Printed |
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| R651-613 | Fires | 37792 | 5YR | 06/27/2013 | Not Printed |
| R651-614 | Fishing, Hunting and Trapping | 37793 | 5YR | 06/27/2013 | Not Printed |

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| R651-616 | Organized Sports | 37798 | 5YR | 06/27/2013 | Not Printed |
| R651-617 | Permit Violation | 37800 | 5YR | 06/27/2013 | Not Printed |
| R651-618 | Picnicking | 37801 | 5YR | 06/27/2013 | Not Printed |
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| R651-620 | Protection of Resources Park System Property | 37803 | 5YR | 06/27/2013 | Not Printed |
| R651-621 | Reports of Injury or Damage | 37804 | 5YR | 06/27/2013 | Not Printed |
| R651-630 | Unsupervised Children | 37761 | 5YR | 06/25/2013 | Not Printed |
| R651-633 | Special Closures or Restrictions | 37205 | AMD | 03/14/2013 | 2013-3/100 |

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| R655-5 | Maps Submitted to the Division of Water Rights | 37388 | 5YR | 03/07/2013 | 2013-7/66 |
| R655-7 | Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent | 37119 | REP | 03/07/2013 | 2013-2/81 |

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| R657-12 | Hunting and Fishing Accommodations for People with Disabilities | 37225 | AMD | 04/23/2013 | 2013-4/24 |
| R657-13 | Taking Fish and Crayfish | 37069 | AMD | 01/22/2013 | 2012-24/29 |
| R657-20 | Falconry | 37233 | AMD | 04/23/2013 | 2013-4/26 |
| R657-20 | Falconry | 37534 | NSC | 05/17/2013 | Not Printed |
| R657-34 | Procedures for Confirmation of Ordinances on Hunting Closures | 37592 | 5YR | 05/06/2013 | 2013-11/103 |
| R657-37 | Cooperative Wildlife Management Units for Big Game or Turkey | 37097 | AMD | 02/07/2013 | 2013-1/11 |
| R657-37 | Cooperative Wildlife Management Units for Big Game or Turkey | 37593 | 5YR | 05/06/2013 | 2013-11/104 |
| R657-42 | Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents | 37594 | 5YR | 05/06/2013 | 2013-11/104 |
| R657-45 | Wildlife License, Permit, and Certificate of Registration Forms | 37595 | 5YR | 05/06/2013 | 2013-11/105 |
| R657-53 | Amphibian and Reptile Collection, Importation, Transportation and Possession | 37667 | 5YR | 05/30/2013 | 2013-12/57 |
| R657-58 | Fishing Contests and Clinics | 37203 | 5YR | 01/15/2013 | 2013-3/114 |

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| R671-312 | Commutation Hearings for Death Penalty Cases | 37438 | AMD | 05/22/2013 | 2013-8/15 |
| R671-312A | Commutation Procedures Applicable to Persons Sentenced to Death Before April 26, 1992 | 37439 | NEW | 05/22/2013 | 2013-8/18 |
| R671-312B | Commutation Procedures Applicable to Persons Sentenced to Death After April 26, 1992 | 37440 | NEW | 05/22/2013 | 2013-8/20 |
| R671-315 | Pardons | 37455 | AMD | 05/22/2013 | 2013-8/23 |
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| R671-509 | Parole Progress / Violation Reports | 37456 | AMD | 05/22/2013 | 2013-8/25 |
| R671-510 | Evidence for Issuance of Warrants | 37343 | 5YR | 02/15/2013 | 2013-5/212 |
| R671-510 | Evidence for Issuance of Warrants | 37457 | AMD | 05/22/2013 | 2013-8/26 |
| R671-512 | Execution of the Warrant | 37344 | 5YR | 02/15/2013 | 2013-5/213 |
| R671-512 | Execution of the Warrant | 37458 | AMD | 05/22/2013 | 2013-8/27 |
| R671-513 | Expedited Determination on Parolee Challenge to Probable Cause | 37346 | 5YR | 02/15/2013 | 2013-5/214 |
| R671-513 | Expedited Determination of Parolee Challenge to Probable Cause | 37459 | AMD | 05/22/2013 | 2013-8/28 |
| R671-514 | Waiver and Pleas of Guilt | 37347 | 5YR | 02/15/2013 | 2013-5/214 |
| R671-514 | Waiver and Pleas of Guilt | 37460 | AMD | 05/22/2013 | 2013-8/29 |
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| R671-516 | Parole Revocation Hearings | 37462 | AMD | 05/22/2013 | 2013-8/32 |
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| R671-517 | Evidentiary Hearings and Proceedings | 37463 | AMD | 05/22/2013 | 2013-8/33 |
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| R671-519 | Proceedings When Criminal Charges Result in Acquittal | 37352 | 5YR | 02/15/2013 | 2013-5/217 |
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| R671-520 | Treatment of Confidential Testimony | 37353 | 5YR | 02/15/2013 | 2013-5/217 |
| R671-520 | Treatment of Confidential Testimony | 37465 | AMD | 05/22/2013 | 2013-8/36 |
| R671-522 | Continuances Due to Pending Criminal Charges | 37354 | 5YR | 02/15/2013 | 2013-5/218 |

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| R686-101 | Alcohol Related Offenses | 37637 | 5YR | 05/16/2013 | 2013-12/57 |
| R686-102 | Drug Related Offenses | 37638 | 5YR | 05/16/2013 | 2013-12/58 |

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| R722-320 | Undercover Identification | 37227 | NSC | 02/15/2013 | Not Printed |
| R722-340 | Emergency Vehicles | 37532 | 5YR | 04/22/2013 | 2013-10/215 |
| R722-340 (Changed to R698-7) | Emergency Vehicles | 37590 | NSC | 05/31/2013 | Not Printed |
| R722-360 | Certificate of Removal from the Sex Offender and Kidnap Offender Registry | 37232 | NEW | 03/25/2013 | 2013-4/46 |
| R722-900 | Review and Challenge of Criminal Record | 37514 | 5YR | 04/10/2013 | 2013-9/44 |

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| R708-32 | Uninsured Motorist Database | 37554 | R&R | 06/30/2013 | 2013-10/192 |
| R708-45 | Renewal or Duplicate License for a Utah Resident Temporarily Residing Out of State | 37657 | EMR | 05/23/2013 | 2013-12/45 |
| R708-49 | Temporary Identification Card | 37555 | NEW | 06/30/2013 | 2013-10/194 |

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| R710-12 | Hazardous Materials Training and Certification | 37390 | 5YR | 03/08/2013 | 2013-7/67 |

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| R746-210 | Utility Service Rules Applicable Only to Electric Utilities | 37759 | 5YR | 06/24/2013 | Not Printed |
| R746-240 | Telecommunication Service Rules | 37760 | 5YR | 06/24/2013 | Not Printed |
| R746-313 | Electric Service Reliability | 37116 | AMD | 02/21/2013 | 2013-2/87 |
| R746-320 | Uniform Rules Governing Natural Gas Service | 37041 | AMD | 01/07/2013 | 2012-23/48 |
| R746-330 | Rules for Water and Sewer Utilities Operating in Utah | 37385 | 5YR | 03/05/2013 | 2013-7/68 |

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| R746-340 | Service Quality for Telecommunications Corporations | 37758 | 5YR | 06/24/2013 | Not Printed |
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| R746-402 | Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities | 37452 | 5YR | 03/28/2013 | 2013-8/68 |
| R746-405 | Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities | 37450 | 5YR | 03/28/2013 | 2013-8/69 |
| R746-405 | Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities | 37447 | AMD | 06/20/2013 | 2013-8/38 |

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| R765-254 | Secure Area Hearing Rooms | 37552 | 5YR | 04/29/2013 | 2013-10/216 |
| R765-555 | Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise | 37553 | 5YR | 04/29/2013 | 2013-10/217 |
| R765-605 | Utah Centennial Opportunity Program for Education | 37539 | 5YR | 04/24/2013 | 2013-10/217 |
| R765-605 | Utah Centennial Opportunity Program for Education | 37547 | AMD | 06/24/2013 | 2013-10/195 |
| R765-606 | Utah Leveraging Educational Assistance Partnership Program | 37540 | 5YR | 04/24/2013 | 2013-10/218 |

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| R810-2-1 | Parking Meters | 37092 | AMD | 03/21/2013 | 2013-1/14 |
| R810-12 | Bicycles, Skateboards and Other Toy Vehicles | 37387 | EXD | 03/07/2013 | 2013-7/71 |

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| 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 | 37104 | AMD | 02/21/2013 | 2013-1/15 |
| R861-1A-37 | Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404 | 37106 | AMD | 02/21/2013 | 2013-1/17 |
| R861-1A-46 | Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110 | 37107 | AMD | 02/21/2013 | 2013-1/18 |

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| 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 | 37108 | AMD | 02/21/2013 | 2013-1/20 |
| R865-9I-46 | Medical Savings Account Administration Pursuant to Utah Code Ann. Sections 31A-32a-106, 59-10-114, and 59-10-1021 | 37178 | NSC | 01/31/2013 | Not Printed |

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| R986-700-710 | Income Limits for ES CC | 37025 | AMD | 01/02/2013 | 2012-22/146 |
| R986-900-902 | Options and Waivers | 37067 | AMD | 01/08/2013 | 2012-23/50 |

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| R990-101 | Qualified Emergency Food Agencies Fund (QEFAF) | 37542 | AMD | 07/01/2013 | 2013-10/201 |
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| R994-202 | Employing Units | 37543 | 5YR | 04/25/2013 | 2013-10/218 |
| R994-208 | Wages | 37544 | 5YR | 04/25/2013 | 2013-10/219 |
| R994-305 | Collection of Contributions | 37066 | AMD | 01/08/2013 | 2012-23/52 |
| R994-305-1201 | Offer in Compromise | 37023 | AMD | 01/02/2013 | 2012-22/147 |
| R994-306 | Charging Benefit Costs to Employers | 37652 | 5YR | 05/16/2013 | 2013-12/58 |
| R994-307 | Social Costs -- Relief of Charges | 37651 | 5YR | 05/16/2013 | 2013-12/59 |
| R994-315 | Centralized New Hire Registry Reporting | 37650 | 5YR | 05/16/2013 | 2013-12/59 |
| R994-403 | Claim for Benefits | 37647 | 5YR | 05/16/2013 | 2013-12/60 |
| R994-403 | Claim for Benefits | 37517 | AMD | 06/12/2013 | 2013-9/23 |
| R994-405 | Ineligibility for Benefits | 37648 | 5YR | 05/16/2013 | 2013-12/60 |
| R994-406 | Fraud, Fault and Nonfault Overpayments | 37024 | AMD | 01/02/2013 | 2012-22/148 |
| R994-406-301 | Claimant Fault | 37238 | AMD | 04/02/2013 | 2013-4/48 |
| R994-406-403 | Fraud Disqualification and Penalty | 37516 | AMD | 06/12/2013 | 2013-9/26 |
| R994-508 | Appeal Procedures | 37649 | 5YR | 05/16/2013 | 2013-12/61 |

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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 | |

| KEYWORD AGENCY | FILE NUMBER | CODE REFERENCE | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
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| <u>access to information</u> Administrative Services, Archives | 37653 | R17-5 | 5YR | 05/17/2013 | 2013-12/49 |
| | 37654 | R17-6 | 5YR | 05/17/2013 | 2013-12/49 |
| | 37659 | R17-7 | 5YR | 05/28/2013 | 2013-12/50 |

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| | 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 |
| <u>adjudicative proceedings</u> | | | | | |
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| Environmental Quality, Radiation Control | 37192 | R313-17 | AMD | 03/19/2013 | 2013-3/40 |
| Environmental Quality, Solid and Hazardous Waste | 37314 | R315-12 | AMD | 04/25/2013 | 2013-5/101 |
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| | 37042 | R164-31-1 | AMD | 01/08/2013 | 2012-23/26 |
| <u>administrative law</u> | | | | | |
| Human Services, Recovery Services | 37113 | R527-258 | AMD | 02/22/2013 | 2013-2/20 |
| <u>administrative procedures</u> | | | | | |
| Commerce, Real Estate | 36973 | R162-2g | AMD | 01/02/2013 | 2012-22/19 |
| Crime Victim Reparations, Administration | 37063 | R270-2 | AMD | 01/07/2013 | 2012-23/33 |
| | 37167 | R270-2 | NSC | 01/30/2013 | Not Printed |
| 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, Radiation Control | 37192 | R313-17 | AMD | 03/19/2013 | 2013-3/40 |
| Environmental Quality, Solid and Hazardous Waste | 37306 | R315-2 | AMD | 04/25/2013 | 2013-5/48 |
| Human Resource Management, Administration | 37571 | R477-12 | AMD | 07/01/2013 | 2013-10/175 |
| | 37574 | R477-15 | AMD | 07/01/2013 | 2013-10/180 |
| 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 |
| | 37124 | R612-100 | NEW | 02/25/2013 | 2013-2/58 |
| Natural Resources, Forestry, Fire and State Lands | 37751 | R652-7 | 5YR | 06/19/2013 | Not Printed |
| <u>administrative proceedings</u> | | | | | |
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| | 37513 | R311-500 | NSC | 04/29/2013 | Not Printed |
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| | 37125 | R612-200 | NEW | 02/25/2013 | 2013-2/62 |
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| <u>administrative rules</u> | | | | | |
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| <u>adult education</u> | | | | | |
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| | 37415 | R277-702 | AMD | 05/16/2013 | 2013-7/26 |
| <u>aerospace</u> | | | | | |
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| | 36737 | R307-355 | CPR | 02/01/2013 | 2013-1/82 |

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| <u>aggregate</u> | | | | | |
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| | 36740 | R307-312 | CPR | 02/01/2013 | 2013-1/47 |
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| <u>air medical services</u> | | | | | |
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| | 36723 | R307-101-2 | CPR | 02/01/2013 | 2013-1/38 |
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| | 37260 | R307-115 | 5YR | 02/06/2013 | 2013-5/192 |
| | 37259 | R307-170 | 5YR | 02/06/2013 | 2013-5/192 |
| | 36481 | R307-208 | NEW | 04/10/2013 | 2012-15/12 |
| | 36481 | R307-208 | CPR | 04/10/2013 | 2012-23/56 |
| | 36481 | R307-208 | CPR | 04/10/2013 | 2013-5/184 |
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| | 37257 | R307-221 | 5YR | 02/06/2013 | 2013-5/194 |
| | 37256 | R307-222 | 5YR | 02/06/2013 | 2013-5/194 |
| | 37255 | R307-223 | 5YR | 02/06/2013 | 2013-5/195 |
| | 37254 | R307-224 | 5YR | 02/06/2013 | 2013-5/195 |
| | 37253 | R307-250 | 5YR | 02/06/2013 | 2013-5/196 |
| | 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 |
| | 36740 | R307-312 | NEW | 02/01/2013 | 2012-19/45 |
| | 36740 | R307-312 | CPR | 02/01/2013 | 2013-1/47 |
| | 36725 | R307-340 | REP | 02/01/2013 | 2012-19/49 |
| | 36725 | R307-340 | CPR | 02/01/2013 | 2013-1/48 |
| | 36738 | R307-343 | AMD | 05/01/2013 | 2012-19/56 |
| | 36738 | R307-343 | CPR | 05/01/2013 | 2013-1/49 |
| | 36738 | R307-343 | CPR | 05/01/2013 | 2013-7/44 |
| | 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 |
| | 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 |
| | 36734 | R307-352 | NEW | 02/01/2013 | 2012-19/84 |
| | 36734 | R307-352 | CPR | 02/01/2013 | 2013-1/73 |
| | 36735 | R307-353 | NEW | 05/01/2013 | 2012-19/86 |
| | 36735 | R307-353 | CPR | 05/01/2013 | 2013-1/75 |
| | 36735 | R307-353 | CPR | 05/01/2013 | 2013-7/46 |
| | 36736 | R307-354 | NEW | 02/01/2013 | 2012-19/88 |
| | 36736 | R307-354 | CPR | 02/01/2013 | 2013-1/79 |
| | 36737 | R307-355 | NEW | 02/01/2013 | 2012-19/91 |
| | 36737 | R307-355 | CPR | 02/01/2013 | 2013-1/82 |
| | 37237 | R307-355-5 | NSC | 02/15/2013 | Not Printed |

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| | 37037 | R307-401-15 | AMD | 02/07/2013 | 2012-23/40 |
| | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
| | 37268 | R307-401-19 | AMD | 07/01/2013 | 2013-5/36 |
| | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72 |
| | 37269 | R307-401-20 | AMD | 07/01/2013 | 2013-5/36 |
| | 37269 | R307-401-20 | CPR | 07/01/2013 | 2013-11/72 |
| | 37265 | R307-420 | AMD | 07/01/2013 | 2013-5/43 |
| | 37265 | R307-420 | CPR | 07/01/2013 | 2013-11/78 |
| | 37252 | R307-801 | 5YR | 02/06/2013 | 2013-5/197 |
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| | 37263 | R307-403-1 | CPR | 07/01/2013 | 2013-11/73 |
| | 37264 | R307-403-2 | AMD | 07/01/2013 | 2013-5/39 |
| | 37264 | R307-403-2 | CPR | 07/01/2013 | 2013-11/74 |
| | 37266 | R307-403-10 | CPR | 07/01/2013 | 2013-11/77 |
| | 37267 | R307-403-11 | AMD | 07/01/2013 | 2013-5/43 |
| | 37267 | R307-403-11 | CPR | 07/01/2013 | 2013-11/77 |
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| | 37556 | R25-7 | AMD | 06/21/2013 | 2013-10/7 |
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| | 37363 | R81-1-31 | AMD | 06/25/2013 | 2013-6/4 |
| | 37363 | R81-1-31 | CPR | 06/25/2013 | 2013-10/206 |
| | 37365 | R81-2-12 | AMD | 04/30/2013 | 2013-6/5 |
| | 37367 | R81-4A-2 | AMD | 04/30/2013 | 2013-6/5 |
| | 37368 | R81-4B-2 | AMD | 04/30/2013 | 2013-6/6 |
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| | 37373 | R81-5-2 | AMD | 04/30/2013 | 2013-6/11 |
| | 37619 | R81-5-18 | NSC | 06/07/2013 | Not Printed |
| | 37377 | R81-9-1 | AMD | 04/30/2013 | 2013-6/12 |
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| | 37374 | R81-10A-3 | AMD | 04/30/2013 | 2013-6/13 |
| | 37375 | R81-10C-2 | AMD | 04/30/2013 | 2013-6/14 |
| | 37376 | R81-10D-2 | AMD | 04/30/2013 | 2013-6/15 |
| | 37378 | R81-11-1 | AMD | 04/30/2013 | 2013-6/16 |
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| | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
| | 37268 | R307-401-19 | AMD | 07/01/2013 | 2013-5/36 |
| | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72 |
| | 37269 | R307-401-20 | AMD | 07/01/2013 | 2013-5/36 |
| | 37269 | R307-401-20 | CPR | 07/01/2013 | 2013-11/72 |
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| | 36740 | R307-312 | CPR | 02/01/2013 | 2013-1/47 |
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| | 37534 | R657-20 | NSC | 05/17/2013 | Not Printed | |
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| | 36776 | R305-9 | CPR | 02/22/2013 | 2013-2/94 | |
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| | 37438 | R671-312 | AMD | 05/22/2013 | 2013-8/15 | |
| | 37439 | R671-312A | NEW | 05/22/2013 | 2013-8/18 | |
| | 37440 | R671-312B | NEW | 05/22/2013 | 2013-8/20 | |
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| | 36480 | R307-303 | CPR | 04/10/2013 | 2013-5/186 | |
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| | 37503 | R512-201 | 5YR | 04/08/2013 | 2013-9/36 | |
| | 37504 | R512-202 | 5YR | 04/08/2013 | 2013-9/36 | |
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| | 37640 | R512-301 | 5YR | 05/16/2013 | 2013-12/55 | |
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| | 37113 | R527-258 | AMD | 02/22/2013 | 2013-2/20 | |
| | 37303 | R527-260 | 5YR | 02/14/2013 | 2013-5/210 | |
| | 37304 | R527-301 | 5YR | 02/14/2013 | 2013-5/211 | |
| | 37231 | R527-302 | 5YR | 01/28/2013 | 2013-4/59 | |
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| | 37169 | R527-430 | 5YR | 01/03/2013 | 2013-3/111 | |
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| | 36738 | R307-343 | CPR | 05/01/2013 | 2013-7/44 |
| | 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 |
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| Human Resource Management, Administration | 37562 | R477-2 | AMD | 07/01/2013 | 2013-10/155 |
| <u>conflict of interest</u> | | | | | |
| Environmental Quality, Administration | 36776 | R305-9 | NEW | 02/22/2013 | 2012-19/28 |
| | 36776 | R305-9 | CPR | 02/22/2013 | 2013-2/94 |
| Human Resource Management, Administration | 37568 | R477-9 | AMD | 07/01/2013 | 2013-10/170 |
| <u>congregate meals</u> | | | | | |
| Human Services, Aging and Adult Services | 37228 | R510-104-11 | AMD | 04/15/2013 | 2013-4/18 |
| <u>contamination</u> | | | | | |
| Environmental Quality, Radiation Control | 37191 | R313-15 | AMD | 03/19/2013 | 2013-3/18 |
| <u>continuing</u> | | | | | |
| Pardons (Board Of), Administration | 37354 | R671-522 | 5YR | 02/15/2013 | 2013-5/218 |
| <u>continuous monitoring</u> | | | | | |
| Environmental Quality, Air Quality | 37259 | R307-170 | 5YR | 02/06/2013 | 2013-5/192 |
| <u>contractors</u> | | | | | |
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| <u>controlled substance database</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 37039 | R156-37f | NEW | 01/08/2013 | 2012-23/21 |
| <u>controlled substances</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 37040 | R156-37 | AMD | 01/08/2013 | 2012-23/18 |
| | 37175 | R156-37-502 | NSC | 01/30/2013 | Not Printed |
| <u>conviction</u> | | | | | |
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| Natural Resources, Wildlife Resources | 37097 | R657-37 | AMD | 02/07/2013 | 2013-1/11 |
| | 37593 | R657-37 | 5YR | 05/06/2013 | 2013-11/104 |

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| Health, Center for Health Data, Vital Records and Statistics | 37431 | R436-13 | 5YR | 03/21/2013 | 2013-8/61 | |
| | 37432 | R436-14 | 5YR | 03/21/2013 | 2013-8/61 | |
| <u>costs</u> | | | | | | |
| Administrative Services, Finance | 37522 | R25-6 | 5YR | 04/15/2013 | 2013-9/29 | |
| <u>coverage groups</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 | |
| | 37301 | R414-303 | AMD | 04/17/2013 | 2013-5/179 | |
| <u>credit scoring</u> | | | | | | |
| Insurance, Administration | 37600 | R590-219 | 5YR | 05/07/2013 | 2013-11/101 | |
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| Pardons (Board Of), Administration | 37351 | R671-518 | 5YR | 02/15/2013 | 2013-5/216 | |
| <u>criminal history records information</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37514 | R722-900 | 5YR | 04/10/2013 | 2013-9/44 | |
| <u>criminal investigation</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>curricula</u> | | | | | | |
| Education, Administration | 37403 | R277-700 | 5YR | 03/12/2013 | 2013-7/63 | |
| <u>custody of children</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 37418 | R436-1 | 5YR | 03/19/2013 | 2013-8/55 | |
| | 37423 | R436-2 | 5YR | 03/21/2013 | 2013-8/56 | |
| <u>dairy inspections</u> | | | | | | |
| Agriculture and Food, Regulatory Services | 37027 | R70-310 | AMD | 01/29/2013 | 2012-23/6 | |
| | 36915 | R70-320-18 | AMD | 01/29/2013 | 2012-21/8 | |
| | 36914 | R70-330 | AMD | 01/29/2013 | 2012-21/9 | |
| | 37620 | R70-330 | EMR | 05/14/2013 | 2013-11/84 | |
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| Education, Administration | 37145 | R277-484 | AMD | 02/21/2013 | 2013-2/4 | |
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| Education, Administration | 37145 | R277-484 | AMD | 02/21/2013 | 2013-2/4 | |
| <u>death</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 37426 | R436-7 | 5YR | 03/21/2013 | 2013-8/58 | |
| <u>declaratory orders</u> | | | | | | |
| Labor Commission, Administration | 37492 | R600-1 | 5YR | 04/05/2013 | 2013-9/38 | |
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| | 36723 | R307-101-2 | CPR | 02/01/2013 | 2013-1/38 | |
| Environmental Quality, Radiation Control | 37189 | R313-12 | AMD | 03/19/2013 | 2013-3/6 | |
| | 37597 | R313-12-3 | NSC | 06/07/2013 | Not Printed | |
| Human Resource Management, Administration | 37561 | R477-1-1 | AMD | 07/01/2013 | 2013-10/150 | |
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| Environmental Quality, Radiation Control | 37183 | R313-28 | NSC | 01/31/2013 | Not Printed | |
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| | 37104 | R861-1A-26 | AMD | 02/21/2013 | 2013-1/15 | |
| | 37106 | R861-1A-37 | AMD | 02/21/2013 | 2013-1/17 | |
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| | 37104 | R861-1A-26 | AMD | 02/21/2013 | 2013-1/15 | |
| | 37106 | R861-1A-37 | AMD | 02/21/2013 | 2013-1/17 | |
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| Agriculture and Food, Animal Industry | 37248 | R58-6 | R&R | 03/25/2013 | 2013-4/6 | |
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| | 37503 | R512-201 | 5YR | 04/08/2013 | 2013-9/36 |
| | 37504 | R512-202 | 5YR | 04/08/2013 | 2013-9/36 |
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| Education, Administration | 37279 | R277-498 | NEW | 04/08/2013 | 2013-5/14 |
| | 37507 | R277-498-4 | NSC | 04/29/2013 | Not Printed |

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| | 37359 | R277-517-5 | NSC | 03/15/2013 | Not Printed |
| | 37399 | R277-518 | 5YR | 03/12/2013 | 2013-7/61 |
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| | 37218 | R414-306 | 5YR | 01/23/2013 | 2013-4/55 |
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| Environmental Quality, Air Quality | 37258 | R307-220 | 5YR | 02/06/2013 | 2013-5/193 |
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| Commerce, Occupational and Professional Licensing | 37202 | R156-82 | NEW | 03/11/2013 | 2013-3/5 |
| | 37396 | R156-82 | NSC | 04/01/2013 | Not Printed |
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| | 37223 | R414-308 | 5YR | 01/23/2013 | 2013-4/55 |
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| | 37409 | R426-2 | EMR | 03/14/2013 | 2013-7/55 |
| | 37411 | R426-2 | NEW | 05/30/2013 | 2013-7/32 |
| | 37398 | R426-6 | EXD | 03/01/2013 | 2013-7/71 |
| | 37408 | R426-6 | EMR | 03/14/2013 | 2013-7/59 |
| | 37410 | R426-6 | NEW | 05/30/2013 | 2013-7/36 |
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| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37532 | R722-340 | 5YR | 04/22/2013 | 2013-10/215 |
| | 37590 | R722-340 | NSC | 05/31/2013 | Not Printed |
| <u>emission controls</u> | | | | | |
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| | 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 |

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| | 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 |
| | 36735 | R307-353 | NEW | 05/01/2013 | 2012-19/86 |
| | 36735 | R307-353 | CPR | 05/01/2013 | 2013-1/75 |
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| | 36727 | R307-345 | CPR | 02/01/2013 | 2013-1/54 |
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| Human Resource Management, Administration | 37562 | R477-2 | AMD | 07/01/2013 | 2013-10/155 |
| | 37563 | R477-4 | AMD | 07/01/2013 | 2013-10/157 |
| <u>fair hearings</u> | | | | | |
| Health, Children's Health Insurance Program | 37608 | R382-1 | 5YR | 05/08/2013 | 2013-11/100 |
| <u>falconry</u> | | | | | |
| Natural Resources, Wildlife Resources | 37233 | R657-20 | AMD | 04/23/2013 | 2013-4/26 |
| | 37534 | R657-20 | NSC | 05/17/2013 | Not Printed |

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| Health, Center for Health Data, Vital Records and Statistics | 37424 | R436-3 | 5YR | 03/21/2013 | 2013-8/57 | |
| <u>feed contamination</u> | | | | | | |
| Agriculture and Food, Plant Industry | 37632 | R68-2 | NSC | 06/07/2013 | Not Printed | |
| <u>fees</u> | | | | | | |
| Environmental Quality, Environmental Response and Remediation | 37483 | R311-203 | NSC | 04/29/2013 | Not Printed | |
| Environmental Quality, Radiation Control | 37188 | R313-70 | NSC | 01/31/2013 | Not Printed | |
| Health, Center for Health Data, Vital Records and Statistics | 37433 | R436-15 | 5YR | 03/21/2013 | 2013-8/62 | |
| Labor Commission, Industrial Accidents | 37130 | R612-2 | REP | 02/25/2013 | 2013-2/35 | |
| | 37126 | R612-300 | NEW | 02/25/2013 | 2013-2/66 | |
| Natural Resources, Parks and Recreation | 37791 | R651-610 | 5YR | 06/27/2013 | Not Printed | |
| <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 | |
| Workforce Services, Unemployment Insurance | 37647 | R994-403 | 5YR | 05/16/2013 | 2013-12/60 | |
| | 37517 | R994-403 | AMD | 06/12/2013 | 2013-9/23 | |
| <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>finance</u> | | | | | | |
| Administrative Services, Finance | 37522 | R25-6 | 5YR | 04/15/2013 | 2013-9/29 | |
| | 37524 | R25-8 | 5YR | 04/15/2013 | 2013-9/30 | |
| | 37557 | R25-8 | AMD | 06/21/2013 | 2013-10/12 | |
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| | 37547 | R765-605 | AMD | 06/24/2013 | 2013-10/195 | |
| <u>financial disclosures</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 37217 | R414-304 | 5YR | 01/23/2013 | 2013-4/54 | |
| <u>financial responsibility</u> | | | | | | |
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| <u>fiscal policies and procedures</u> | | | | | | |
| Education, Administration | 37356 | R277-113 | NEW | 04/22/2013 | 2013-6/28 | |
| | 37538 | R277-113-5 | NSC | 05/17/2013 | Not Printed | |
| <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> | | | | | | |
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| | 36726 | R307-344 | CPR | 02/01/2013 | 2013-1/52 | |
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| Health, Center for Health Data, Vital Records and Statistics | 37426 | R436-7 | 5YR | 03/21/2013 | 2013-8/58 |
| | 37427 | R436-8 | 5YR | 03/21/2013 | 2013-8/58 |
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| | 37507 | R277-498-4 | NSC | 04/29/2013 | Not Printed |
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| | 36733 | R307-351 | CPR | 02/01/2013 | 2013-1/69 |
| | 37235 | R307-351-4 | NSC | 02/15/2013 | Not Printed |
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| | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72 |
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| Agriculture and Food, Animal Industry | 37248 | R58-6 | R&R | 03/25/2013 | 2013-4/6 |
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| | 37483 | R311-203 | NSC | 04/29/2013 | Not Printed |
| | 37484 | R311-204 | NSC | 04/29/2013 | Not Printed |
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| | 37307 | R315-3 | AMD | 04/25/2013 | 2013-5/63 |
| | 37308 | R315-4 | AMD | 04/25/2013 | 2013-5/64 |
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| | 37310 | R315-6 | AMD | 04/25/2013 | 2013-5/73 |
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| | 37312 | R315-8 | AMD | 04/25/2013 | 2013-5/99 |
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| | 36554 | R305-6 | CPR | 01/31/2013 | 2013-1/32 |
| | 36553 | R305-7 | NEW | 01/31/2013 | 2012-16/45 |

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| | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215 |
| | 37462 | R671-516 | AMD | 05/22/2013 | 2013-8/32 |
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| | 37463 | R671-517 | AMD | 05/22/2013 | 2013-8/33 |
| | 37352 | R671-519 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37464 | R671-519 | AMD | 05/22/2013 | 2013-8/35 |
| | 37353 | R671-520 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37465 | R671-520 | AMD | 05/22/2013 | 2013-8/36 |
| | 37354 | R671-522 | 5YR | 02/15/2013 | 2013-5/218 |
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| | 37553 | R765-555 | 5YR | 04/29/2013 | 2013-10/217 |
| | 37539 | R765-605 | 5YR | 04/24/2013 | 2013-10/217 |
| | 37547 | R765-605 | AMD | 06/24/2013 | 2013-10/195 |
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| 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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| Agriculture and Food, Horse Racing Commission (Utah) | 37420 | R52-7 | EMR | 03/20/2013 | 2013-8/47 |
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| | 37245 | R539-1-3 | AMD | 04/18/2013 | 2013-4/21 |

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| | 37456 | R671-509 | AMD | 05/22/2013 | 2013-8/25 | |
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| Environmental Quality, Air Quality | 37258 | R307-220 | 5YR | 02/06/2013 | 2013-5/193 | |
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| | 37382 | R597-3 | AMD | 05/14/2013 | 2013-7/38 |
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| Judicial Performance Evaluation Commission, Administration | 37383 | R597-1 | AMD | 05/14/2013 | 2013-7/37 |
| | 37382 | R597-3 | AMD | 05/14/2013 | 2013-7/38 |
| <u>judiciary</u> | | | | | |
| Judicial Performance Evaluation Commission, Administration | 37383 | R597-1 | AMD | 05/14/2013 | 2013-7/37 |
| <u>juvenile courts</u> | | | | | |
| Education, Administration | 37405 | R277-709 | 5YR | 03/12/2013 | 2013-7/64 |
| | 37244 | R277-709-3 | NSC | 02/15/2013 | Not Printed |
| <u>kidnap offender registry</u> | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 37232 | R722-360 | NEW | 03/25/2013 | 2013-4/46 |
| <u>kinship</u> | | | | | |
| Human Services, Child and Family Services | 37505 | R512-500 | 5YR | 04/08/2013 | 2013-9/37 |
| <u>labor</u> | | | | | |
| Labor Commission, Boiler and Elevator Safety | 37493 | R616-1 | 5YR | 04/05/2013 | 2013-9/38 |
| | 37520 | R616-1 | NSC | 04/29/2013 | Not Printed |
| <u>Labor Commission</u> | | | | | |
| Labor Commission, Administration | 37492 | R600-1 | 5YR | 04/05/2013 | 2013-9/38 |
| <u>land use</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 37752 | R652-110 | 5YR | 06/19/2013 | 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 |
| <u>language proficiency</u> | | | | | |
| Regents (Board Of), Administration | 37551 | R765-136 | 5YR | 04/29/2013 | 2013-10/216 |
| <u>large appliance</u> | | | | | |
| Environmental Quality, Air Quality | 36729 | R307-347 | NEW | 02/01/2013 | 2012-19/71 |
| | 36729 | R307-347 | CPR | 02/01/2013 | 2013-1/59 |
| <u>law enforcement</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>law enforcement officers</u> | | | | | |
| Public Safety, Peace Officer Standards and Training | 37805 | R728-501 | 5YR | 06/28/2013 | Not Printed |
| <u>LEAP</u> | | | | | |
| Regents (Board Of), Administration | 37540 | R765-606 | 5YR | 04/24/2013 | 2013-10/218 |
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| Natural Resources, Forestry, Fire and State Lands | 37752 | R652-110 | 5YR | 06/19/2013 | Not Printed |
| <u>leave benefits</u> | | | | | |
| Human Resource Management, Administration | 37566 | R477-7 | AMD | 07/01/2013 | 2013-10/163 |
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| Natural Resources, Wildlife Resources | 37595 | R657-45 | 5YR | 05/06/2013 | 2013-11/105 | |
| <u>licensing</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37395 | R156-1 | NSC | 04/01/2013 | Not Printed | |
| | 37199 | R156-1-102 | AMD | 03/11/2013 | 2013-3/2 | |
| | 37073 | R156-3a-102 | AMD | 01/24/2013 | 2012-24/6 | |
| | 37526 | R156-24b-503 | AMD | 06/10/2013 | 2013-9/2 | |
| | 37417 | R156-31b | 5YR | 03/18/2013 | 2013-8/53 | |
| | 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 | |
| | 37364 | R156-55a | AMD | 04/22/2013 | 2013-6/17 | |
| | 37270 | R156-67-306 | AMD | 04/08/2013 | 2013-5/10 | |
| | 37272 | R156-68 | 5YR | 02/07/2013 | 2013-5/191 | |
| | 37271 | R156-68-306 | AMD | 04/08/2013 | 2013-5/11 | |
| | 37533 | R156-75 | AMD | 06/24/2013 | 2013-10/15 | |
| | 37202 | R156-82 | NEW | 03/11/2013 | 2013-3/5 | |
| | 37396 | R156-82 | NSC | 04/01/2013 | Not Printed | |
| Education, Administration | 37399 | R277-518 | 5YR | 03/12/2013 | 2013-7/61 | |
| Environmental Quality, Radiation Control | 37193 | R313-18 | AMD | 03/19/2013 | 2013-3/42 | |
| | 37186 | R313-36 | NSC | 01/31/2013 | Not Printed | |
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| Health, Family Health and Preparedness, Licensing | 37442 | R432-31 | AMD | 06/07/2013 | 2013-8/12 | |
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| Corrections, Administration | 37389 | R251-114 | 5YR | 03/07/2013 | 2013-7/61 | |
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| <u>magnet wire</u> | | | | | | |
| Environmental Quality, Air Quality | 36730 | R307-348 | NEW | 02/01/2013 | 2012-19/73 | |
| | 36730 | R307-348 | CPR | 02/01/2013 | 2013-1/61 | |
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| <u>market trading program</u> | | | | | | |
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| <u>math teaching training</u> | | | | | | |
| Education, Administration | 37279 | R277-498 | NEW | 04/08/2013 | 2013-5/14 | |
| | 37507 | R277-498-4 | NSC | 04/29/2013 | Not Printed | |
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| Health, Health Care Financing | 37045 | R410-14 | AMD | 01/09/2013 | 2012-23/44 | |
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| | 37422 | R414-1-5 | AMD | 05/29/2013 | 2013-8/10 | |
| | 37546 | R414-1-30 | AMD | 07/01/2013 | 2013-10/142 | |
| | 37391 | R414-6 | 5YR | 03/08/2013 | 2013-7/65 | |
| | 37578 | R414-11 | AMD | 07/01/2013 | 2013-10/143 | |
| | 37177 | R414-27 | 5YR | 01/09/2013 | 2013-3/109 | |
| | 37085 | R414-29 | AMD | 05/16/2013 | 2012-24/28 | |
| | 37085 | R414-29 | CPR | 05/16/2013 | 2013-7/49 | |
| | 37559 | R414-51 | 5YR | 04/30/2013 | 2013-10/213 | |
| | 37580 | R414-52 | 5YR | 05/01/2013 | 2013-10/214 | |
| | 37591 | R414-53 | 5YR | 05/03/2013 | 2013-11/101 | |
| | 37807 | R414-55 | 5YR | 06/28/2013 | Not Printed | |
| | 37528 | R414-70 | AMD | 07/01/2013 | 2013-10/144 | |
| | 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 | |
| | 37576 | R414-401-3 | AMD | 07/01/2013 | 2013-10/146 | |
| | 37577 | R414-506 | AMD | 07/01/2013 | 2013-10/147 | |
| | 37665 | R414-508 | 5YR | 05/30/2013 | 2013-12/53 | |
| | 37548 | R414-509 | EMR | 05/01/2013 | 2013-10/209 | |
| | 37549 | R414-509 | AMD | 06/28/2013 | 2013-10/148 | |
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| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 37536 | R367-1 | R&R | 06/21/2013 | 2013-10/135 | |
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| Governor, Planning and Budget, Inspector General of Medicaid Services (Office of) | 37536 | R367-1 | R&R | 06/21/2013 | 2013-10/135 | |
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| Labor Commission, Industrial Accidents | 37130 | R612-2 | REP | 02/25/2013 | 2013-2/35 | |
| | 37126 | R612-300 | NEW | 02/25/2013 | 2013-2/66 | |
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| Health, Health Care Financing, Coverage and Reimbursement Policy | 37528 | R414-70 | AMD | 07/01/2013 | 2013-10/144 | |
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| | 37218 | R414-306 | 5YR | 01/23/2013 | 2013-4/55 | |

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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 | |
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| Environmental Quality, Environmental Response and Remediation | 37513 | R311-500 | NSC | 04/29/2013 | Not Printed | |
| <u>midwifery</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37071 | R156-44a | AMD | 01/22/2013 | 2012-24/11 | |
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| Natural Resources, Oil, Gas and Mining; Non-Coal | 37467 | R647-1 | 5YR | 04/01/2013 | 2013-8/65 | |
| | 37468 | R647-2 | 5YR | 04/01/2013 | 2013-8/65 | |
| | 37469 | R647-3 | 5YR | 04/01/2013 | 2013-8/66 | |
| | 37470 | R647-4 | 5YR | 04/01/2013 | 2013-8/66 | |
| | 37471 | R647-5 | 5YR | 04/01/2013 | 2013-8/67 | |
| | 37476 | R647-6 | 5YR | 04/02/2013 | 2013-9/41 | |
| | 37477 | R647-7 | 5YR | 04/02/2013 | 2013-9/42 | |
| | 37478 | R647-8 | 5YR | 04/02/2013 | 2013-9/42 | |
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| Labor Commission, Boiler and Elevator Safety | 37493 | R616-1 | 5YR | 04/05/2013 | 2013-9/38 | |
| | 37520 | R616-1 | NSC | 04/29/2013 | Not Printed | |
| <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 | |
| Environmental Quality, Radiation Control | 37196 | R313-24 | AMD | 03/19/2013 | 2013-3/74 | |
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| Health, Center for Health Data, Vital Records and Statistics | 37424 | R436-3 | 5YR | 03/21/2013 | 2013-8/57 | |
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| Public Safety, Driver License | 37614 | R708-21 | EMR | 05/14/2013 | 2013-11/89 | |
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| Public Safety, Driver License | 37613 | R708-30 | 5YR | 05/13/2013 | 2013-11/105 | |
| <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>new hire registry</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 37650 | R994-315 | 5YR | 05/16/2013 | 2013-12/59 | |
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| Governor, Economic Development | 37208 | R357-6 | AMD | 05/01/2013 | 2013-4/15 | |

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| Health, Family Health and Preparedness, Children with Special Health Care Needs | 37810 | R398-2 | 5YR | 07/01/2013 | Not Printed | |
| <u>newborn screening</u> | | | | | | |
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| <u>non-licensed public education employee</u> | | | | | | |
| Education, Administration | 37280 | R277-532 | NEW | 04/08/2013 | 2013-5/16 | |
| <u>nonattainment</u> | | | | | | |
| Environmental Quality, Air Quality | 37263 | R307-403-1 | AMD | 07/01/2013 | 2013-5/37 | |
| | 37263 | R307-403-1 | CPR | 07/01/2013 | 2013-11/73 | |
| | 37264 | R307-403-2 | AMD | 07/01/2013 | 2013-5/39 | |
| | 37264 | R307-403-2 | CPR | 07/01/2013 | 2013-11/74 | |
| | 37266 | R307-403-10 | AMD | 07/01/2013 | 2013-5/42 | |
| | 37266 | R307-403-10 | CPR | 07/01/2013 | 2013-11/77 | |
| | 37267 | R307-403-11 | AMD | 07/01/2013 | 2013-5/43 | |
| | 37267 | R307-403-11 | CPR | 07/01/2013 | 2013-11/77 | |
| <u>notification requirements</u> | | | | | | |
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| | 37530 | R162-2f | AMD | 06/21/2013 | 2013-10/17 | |
| | 37394 | R162-2f-403 | AMD | 05/08/2013 | 2013-7/16 | |
| | 37664 | R162-2f-403a | NSC | 06/24/2013 | Not Printed | |
| <u>NPIP</u> | | | | | | |
| Agriculture and Food, Animal Industry | 37248 | R58-6 | R&R | 03/25/2013 | 2013-4/6 | |
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| Environmental Quality, Radiation Control | 37184 | R313-32 | NSC | 01/31/2013 | Not Printed | |
| <u>nurses</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37417 | R156-31b | 5YR | 03/18/2013 | 2013-8/53 | |
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| Education, Administration | 37406 | R277-719 | 5YR | 03/12/2013 | 2013-7/65 | |
| Human Services, Aging and Adult Services | 37228 | R510-104-11 | AMD | 04/15/2013 | 2013-4/18 | |
| <u>occupational licensing</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 37364 | R156-55a | AMD | 04/22/2013 | 2013-6/17 | |
| | 37533 | R156-75 | AMD | 06/24/2013 | 2013-10/15 | |
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| Natural Resources, Parks and Recreation | 37519 | R651-407 | 5YR | 04/12/2013 | 2013-9/43 | |
| | 36856 | R651-408 | REP | 01/15/2013 | 2012-20/77 | |
| | 37762 | R651-601 | 5YR | 06/25/2013 | Not Printed | |
| | 37794 | R651-615 | 5YR | 06/27/2013 | Not Printed | |
| <u>offset</u> | | | | | | |
| Environmental Quality, Air Quality | 37263 | R307-403-1 | AMD | 07/01/2013 | 2013-5/37 | |
| | 37263 | R307-403-1 | CPR | 07/01/2013 | 2013-11/73 | |
| | 37264 | R307-403-2 | AMD | 07/01/2013 | 2013-5/39 | |
| | 37264 | R307-403-2 | CPR | 07/01/2013 | 2013-11/74 | |
| | 37266 | R307-403-10 | AMD | 07/01/2013 | 2013-5/42 | |
| | 37266 | R307-403-10 | CPR | 07/01/2013 | 2013-11/77 | |
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| | 36992 | R649-3-38 | AMD | 01/23/2013 | 2012-22/140 |
| | 37479 | R649-6 | 5YR | 04/02/2013 | 2013-9/43 |
| | 37545 | R649-9 | R&R | 07/01/2013 | 2013-10/183 |

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| | 37394 | R162-2f-403 | AMD | 05/08/2013 | 2013-7/16 |
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| | 36481 | R307-208 | CPR | 04/10/2013 | 2012-23/56 |
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ozone

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| | 36725 | R307-340 | CPR | 02/01/2013 | 2013-1/48 |
| | 37265 | R307-420 | AMD | 07/01/2013 | 2013-5/43 |
| | 37265 | R307-420 | CPR | 07/01/2013 | 2013-11/78 |

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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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| | 37098 | R810-1-14 | AMD | 03/21/2013 | 2013-1/13 |
| | 37092 | R810-2-1 | AMD | 03/21/2013 | 2013-1/14 |
| | 37387 | R810-12 | EXD | 03/07/2013 | 2013-7/71 |
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| Natural Resources, Parks and Recreation | 37762 | R651-601 | 5YR | 06/25/2013 | Not Printed |
| | 37764 | R651-602 | 5YR | 06/25/2013 | Not Printed |
| | 37765 | R651-603 | 5YR | 06/25/2013 | Not Printed |
| | 37766 | R651-604 | 5YR | 06/25/2013 | Not Printed |
| | 37767 | R651-605 | 5YR | 06/25/2013 | Not Printed |
| | 37771 | R651-606 | 5YR | 06/27/2013 | Not Printed |
| | 37772 | R651-607 | 5YR | 06/27/2013 | Not Printed |
| | 37776 | R651-608 | 5YR | 06/27/2013 | Not Printed |
| | 37790 | R651-609 | 5YR | 06/27/2013 | Not Printed |
| | 37791 | R651-610 | 5YR | 06/27/2013 | Not Printed |
| | 37792 | R651-613 | 5YR | 06/27/2013 | Not Printed |
| | 37793 | R651-614 | 5YR | 06/27/2013 | Not Printed |
| | 37794 | R651-615 | 5YR | 06/27/2013 | Not Printed |
| | 37798 | R651-616 | 5YR | 06/27/2013 | Not Printed |
| | 37800 | R651-617 | 5YR | 06/27/2013 | Not Printed |
| | 37801 | R651-618 | 5YR | 06/27/2013 | Not Printed |
| | 37802 | R651-619 | 5YR | 06/27/2013 | Not Printed |
| | 37803 | R651-620 | 5YR | 06/27/2013 | Not Printed |
| | 37804 | R651-621 | 5YR | 06/27/2013 | Not Printed |
| | 37761 | R651-630 | 5YR | 06/25/2013 | Not Printed |
| | 37205 | R651-633 | AMD | 03/14/2013 | 2013-3/100 |
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| Pardons (Board Of), Administration | 37342 | R671-509 | 5YR | 02/15/2013 | 2013-5/212 |
| | 37456 | R671-509 | AMD | 05/22/2013 | 2013-8/25 |
| | 37343 | R671-510 | 5YR | 02/15/2013 | 2013-5/212 |
| | 37457 | R671-510 | AMD | 05/22/2013 | 2013-8/26 |
| | 37344 | R671-512 | 5YR | 02/15/2013 | 2013-5/213 |
| | 37458 | R671-512 | AMD | 05/22/2013 | 2013-8/27 |
| | 37346 | R671-513 | 5YR | 02/15/2013 | 2013-5/214 |
| | 37459 | R671-513 | AMD | 05/22/2013 | 2013-8/28 |
| | 37347 | R671-514 | 5YR | 02/15/2013 | 2013-5/214 |
| | 37460 | R671-514 | AMD | 05/22/2013 | 2013-8/29 |
| | 37348 | R671-515 | 5YR | 02/15/2013 | 2013-5/215 |
| | 37461 | R671-515 | AMD | 05/22/2013 | 2013-8/31 |
| | 37349 | R671-516 | 5YR | 02/15/2013 | 2013-5/215 |
| | 37462 | R671-516 | AMD | 05/22/2013 | 2013-8/32 |
| | 37350 | R671-517 | 5YR | 02/15/2013 | 2013-5/216 |
| | 37463 | R671-517 | AMD | 05/22/2013 | 2013-8/33 |
| | 37351 | R671-518 | 5YR | 02/15/2013 | 2013-5/216 |
| | 37352 | R671-519 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37464 | R671-519 | AMD | 05/22/2013 | 2013-8/35 |
| | 37353 | R671-520 | 5YR | 02/15/2013 | 2013-5/217 |
| | 37465 | R671-520 | AMD | 05/22/2013 | 2013-8/36 |
| | 37354 | R671-522 | 5YR | 02/15/2013 | 2013-5/218 |
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| | 36741 | R307-307 | CPR | 02/01/2013 | 2013-1/45 |
| | 37234 | R307-307 | NSC | 02/15/2013 | Not Printed |
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| | 37163 | R539-3 | CPR | 05/10/2013 | 2013-7/51 |
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| | 37236 | R307-401-15 | NSC | 02/15/2013 | Not Printed |
| | 37268 | R307-401-19 | AMD | 07/01/2013 | 2013-5/36 |
| | 37268 | R307-401-19 | CPR | 07/01/2013 | 2013-11/72 |
| | 37269 | R307-401-20 | AMD | 07/01/2013 | 2013-5/36 |
| | 37269 | R307-401-20 | CPR | 07/01/2013 | 2013-11/72 |
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| | 37595 | R657-45 | 5YR | 05/06/2013 | 2013-11/105 |
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| | 37564 | R477-5 | AMD | 07/01/2013 | 2013-10/159 |
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| | 37572 | R477-13 | AMD | 07/01/2013 | 2013-10/177 |
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| Environmental Quality, Environmental Response and Remediation | 37481 | R311-200 | NSC | 04/29/2013 | Not Printed |
| | 37483 | R311-203 | NSC | 04/29/2013 | Not Printed |
| | 37484 | R311-204 | NSC | 04/29/2013 | Not Printed |
| | 37485 | R311-205 | NSC | 04/29/2013 | Not Printed |
| | 37486 | R311-206 | NSC | 04/29/2013 | Not Printed |
| | 37579 | R311-207 | NSC | 05/17/2013 | Not Printed |
| | 37488 | R311-208 | NSC | 04/29/2013 | Not Printed |
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| | 37491 | R311-212 | NSC | 04/29/2013 | Not Printed |
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| Commerce, Occupational and Professional Licensing | 37526 | R156-24b-503 | AMD | 06/10/2013 | 2013-9/2 |
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| Environmental Quality, Air Quality | 36735 | R307-353 | NEW | 05/01/2013 | 2012-19/86 | |
| | 36735 | R307-353 | CPR | 05/01/2013 | 2013-1/75 | |
| | 36735 | R307-353 | CPR | 05/01/2013 | 2013-7/46 | |
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| | 37460 | R671-514 | AMD | 05/22/2013 | 2013-8/29 | |
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| | 36480 | R307-303 | CPR | 04/10/2013 | 2012-23/60 | |
| | 36480 | R307-303 | CPR | 04/10/2013 | 2013-5/186 | |
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| | 36733 | R307-351 | CPR | 02/01/2013 | 2013-1/69 | |
| | 37235 | R307-351-4 | NSC | 02/15/2013 | Not Printed | |
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| | 37510 | R277-508 | AMD | 06/07/2013 | 2013-9/8 | |
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| | 36481 | R307-208 | CPR | 04/10/2013 | 2012-23/56 |
| | 36481 | R307-208 | CPR | 04/10/2013 | 2013-5/184 |
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| | 37419 | R277-460-6 | NSC | 04/15/2013 | Not Printed | |
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| | 37638 | R686-102 | 5YR | 05/16/2013 | 2013-12/58 |
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| | 37758 | R746-340 | 5YR | 06/24/2013 | Not Printed |
| | 37449 | R746-343-15 | AMD | 07/01/2013 | 2013-8/37 |
| | 37386 | R746-347 | 5YR | 03/05/2013 | 2013-7/68 |
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| | 36736 | R307-354 | NEW | 02/01/2013 | 2012-19/88 |
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