

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 Division of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <http://www.rules.utah.gov/publicat/bulletin.htm>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

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)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. 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

Environmental Quality Air Quality

Notice of Public Comment Period and Public Hearing -- Progress Report for Utah's State Implementation Plan for Regional Haze

Pursuant to the public hearing requirements in Title 40 of the Code of Federal Regulations Part 51 section 102, the Utah Division of Air Quality (UDAQ) is issuing the following notice.

In 1999, the U.S. Environmental Protection Agency (EPA) adopted the Regional Haze Rule (RHR) requiring each affected state to develop and adopt a plan to improve the haziest days and protect the clearest days at each mandatory Class I area in the state with a goal of returning to natural visibility conditions by the year 2064. The UDAQ submitted a Regional Haze state implementation plan (SIP) to the EPA on December 12, 2003. The RHR requires progress reports every five years after the initial SIP is submitted. The UDAQ has prepared a draft "*Progress Report for Utah's State Implementation Plan for Regional Haze*" to meet the requirements of the federal rule.

The draft report and related materials are available for review on the UDAQ website at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or at the UDAQ offices at 195 N 1950 W, Salt Lake City, UT, 84114. A public hearing will be held to receive oral comments for the draft report on December 1, 2014 at 1:00 PM at 195 N 1950 W, Room No. 4100, Salt Lake City, UT.

Persons wishing to comment on the draft report during the public comment period may do so by submitting written comments to Mark Berger at mberger@utah.gov or to the UDAQ address listed above.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either 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.

Governor's Executive Order EO/2014/009: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, current below-normal precipitation in southern Utah contributed to the early drying of wildland vegetation;
and

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 destruction. This destruction can lead to mudslides and flash floods causing dangerous conditions for life safety, property, natural resources and the environment.;

WHEREAS, these conditions do create a disaster emergency within the intent of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 1988;

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in my 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 October 10, 2014, 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 October 2014.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

EO/2014/009

Governor's Proclamation 2014/10/E: Calling the Sixtieth Legislature Into the Tenth Extraordinary Session

PROCLAMATION

WHEREAS, since the adjournment of the 2014 General Session of the 60th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention;

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; and

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 Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October 2014, 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 2014 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 10th day of October 2014.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2014/10/E

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 substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between October 02, 2014, 12:00 a.m., and October 15, 2014, 11:59 p.m. are included in this, the November 01, 2014, 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 (*example*). Deletions made to existing rules are struck out with brackets surrounding them (*[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 usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may 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 December 1, 2014. 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 March 1, 2015, 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.

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, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

**Commerce, Occupational and
Professional Licensing
R156-63b
Security Personnel Licensing Act
Armored Car Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38898

FILED: 10/06/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to: 1) add the use of continuing education courses provided via the Internet as an acceptable means of completing the 16 hours of continuing education; and 2) add an academic exam requirement for the six hours of classroom firearms instruction.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-63b-304(2), deletes the words "formal classroom". New Subsection R156-63b-304(3) adds the use of education courses provided via the Internet as a recognized means of completing the 16 hours of continuing education. Remaining subsections are renumbered. Subsection R156-63b-304(9) replaces the word "attendees" with the word "participants" for consistency with other subsections. Subsection R156-63b-304(10) adds the word "course" and the word "participant" and deletes the word "instructor" for clarity and consistency. Subsection R156-63b-304(10)(e) adds that the continuing education course certificate shall also include the name of the course instructor. The new Subsection R156-63b-604(2) adds an academic exam requirement for the six hours of classroom firearms instruction.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 and Subsection 58-1-106(1) (a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed armored car security officers and applicants for licensure in that classification. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendments may decrease the cost of continuing education courses for armored car security officer small businesses by adding the use of Internet courses as an approved type of continuing education provider. The proposed amendments may increase the cost for providers offering the basic firearms

training program by requiring an academic exam. This cost may be passed on to the overall cost to licensees for basic firearms training. However, due to a wide range of circumstances, the Division is not able to determine either an exact decrease in costs relating to continuing education courses or an exact increase in requiring an academic exam for basic firearms training programs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments only apply to licensed armored car security officers and applicants for licensure in that classification. As a result, the proposed amendments will not impact other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments may decrease the amount licensees pay for continuing education courses. The filing may increase the cost for providers offering the basic firearms training programs by requiring the addition of an academic exam. This additional cost may be passed on to the overall cost to licensees for basic firearms training. However, due to a wide range of circumstances, the Division is not able to determine either an exact decrease in costs relating to continuing education courses or an exact increase in requiring an academic exam for basic firearms training programs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing amends the armored care security officer continuing education requirement to allow credit for courses completed online, provided that the course includes a final examination. Businesses that choose to offer online courses will incur development costs. These costs will vary and cannot be quantified.

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:

◆ Kristina Bean by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at kbean@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-63b. Security Personnel Licensing Act Armored Car Rule.

R156-63b-304. Continuing Education for Armored Car Security Officers as a Condition of Renewal.

(1) In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), there is created a continuing education requirement as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armored car security officer.

(2) Armored car security officers shall complete 16 hours of continuing education every two years consisting of ~~[formal-classroom]~~ education that includes~~[eovers]~~:

- (a) company operational procedures manual;
- (b) applicable state laws and rules;
- (c) ethics; and
- (d) emergency techniques.

(3) Credit for the 16 hours of continuing education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences.

(b) Unlimited hours shall be recognized for continuing education that is provided via the Internet provided the course provider verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material presented.

~~[(3)]4~~ In addition to the required 16 hours of continuing education, armored car security officers shall complete not less than 16 additional hours of continuing firearms education and training every two years. The continuing firearms education and training shall be completed in four-hour blocks every six months and shall not include any hours for the continuing education requirement in Subsection R156-63b-304(2). The continuing firearms education and training shall include as a minimum:

(a) live classroom instruction concerning the restrictions in the use of deadly force and firearms safety on duty, at home and on the range; and

(b) a recognized practical pistol recertification course on which the licensee achieves a minimum score of 80% using regular or low light conditions.

~~[(4)]5~~ Firearms education and training shall comply with the provisions of Title 15, USC Chapter 85, the Armored Car Industry Reciprocity Act.

~~[(5)]6~~ An individual holding a current armored car security officer license in Utah who fails to complete the required four hours of continuing firearms education within the appropriate six month period will be required to complete one and one half times the number of continuing firearms education hours the licensee was deficient for the reporting period (this requirement is hereafter referred to as penalty hours). The penalty hours shall not be considered to satisfy in whole or in part any of the continuing firearms education hours required for subsequent renewal of the license.

~~[(6)]7~~ If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

~~[(7)]8~~ Each licensee shall maintain documentation showing compliance with the requirements of this section.

~~[(8)]9~~ The continuing education course provider shall provide course ~~[attendees]~~ participants, who complete the continuing education course, with a course completion certificate.

~~[(9)]10~~ The course certificate shall contain:

- (a) the name of the ~~[instructor]~~ participant;
- (b) the date the course was taken;
- (c) the location where the course was taken;
- (d) the title of the course;
- (e) the name of the course provider and instructor; and
- (f) the number of continuing education hours completed.

R156-63b-604. Operating Standards - Content of Approved Basic Firearms Training Program for Armored Car Security Officers.

An approved basic firearms training program for armored car security officers shall have the following components:

(1) at least six hours of classroom firearms instruction to include the following:

- (a) the firearm and its ammunition;
- (b) the care and cleaning of the weapon;
- (c) the prohibition against alterations of firing mechanism;

(d) firearm inspection review procedures;

(e) firearm safety on duty;

(f) firearm safety at home;

(g) firearm safety on the range;

(h) legal and ethical restraints on firearms use;

(i) explanation and discussion of target environment;

(j) stop failure drills;

(k) explanation and discussion of stance, draw stroke, cover and concealment and other firearm fundamentals;

(l) armed patrol techniques;

(m) use of deadly force under Utah law and the provisions of Title 76, Chapter 2, Part 4 and a discussion of 18 USC 44 Section 922; and

(n) the instruction that armored car security officers shall not fire their weapon unless there is an eminent threat to life and at no time shall the weapon be drawn as a threat or means to force compliance with any verbal directive not involving eminent threat to life;~~and~~

(2) a final examination that demonstrates the competency of the participant on the subjects included in the six hours of classroom firearms instruction with a passing score requirement of 80%; and

~~[(2)]3~~ at least six hours of firearms range instruction to include the following:

(a) basic firearms fundamentals and marksmanship;

(b) demonstration and explanation of the difference between sight picture, sight alignment and trigger control; and

(c) a recognized practical pistol course on which the applicant achieves a minimum score of 80% using regular and low light conditions.

KEY: licensing, security guards, armored car security officers, armored car company

Date of Enactment or Last Substantive Amendment: [June 23,] 2014

Notice of Continuation: September 9, 2013
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)
(a); 58-1-202(1)(a); 58-63-101

Education, Administration
R277-419-9
Provisions for Maintaining Student
Membership and Enrollment
Documentation and Documentation of
Student Education Services Provided
by Third Party Vendors

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 38913
 FILED: 10/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of Section R277-419-9 is to provide direction to local education agencies (LEAs) about student membership and enrollment documentation for the 2014 - 2015 school year. Section R277-419-9 also requires the State Superintendent of Public Instruction (Superintendent) to review nontraditional programs managed by third party vendors. Additionally, it requires LEAs that contract with a third party vendor for nontraditional programs to monitor and supervise the vendor throughout the administration of the services and ensure compliance with law and Utah State Board of Education (Board) administrative rules.

SUMMARY OF THE RULE OR CHANGE: Rule R277-419 provides language: describing traditional and nontraditional programs, differentiated by the instructional methods and delivery methods; requiring all LEAs and all public school programs to comply with the provisions of Rule R277-419; requiring an LEA with nontraditional programs to establish a written policy with a "continuing enrollment measurement" to satisfy the requirements of Rule R277-419; requiring all LEA nontraditional programs, which are solely managed by a third party, to submit documentation demonstrating compliance with law and Board rule as required by the Board prior to initiating the program; and allowing the Superintendent to withhold funds from LEAs or public education programs for non-compliance with Rule R277-419 and allowing an appeal to the Board.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Specific Utah State Office of Education and Board employees will have increased responsibilities as a result of Section R277-419-9. For the

present, additional responsibilities will be accomplished by existing staff and within existing budgets.

◆ **LOCAL GOVERNMENTS:** Specific school/LEA employees will have increased responsibilities as a result of Section R277-419-9. At least for the present, additional responsibilities will be accomplished by existing staff and within existing budgets. Increased Minimum School Program (MSP) funds for serving students in nontraditional programs may supplement an LEA's budget for documentation and accountability responsibilities. LEAs may also receive significant MSP funds for serving students through third party vendors, subject to accountability criteria.

◆ **SMALL BUSINESSES:** Section R277-419-9 provides direction to LEAs about student membership and enrollment documentation for both traditional and nontraditional schools and programs. The costs for documentation of enrollment and compliance efforts will be borne by LEAs that contract with third party vendors. The vendors (small businesses) may bear minimal documentation costs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Section R277-419-9 provides direction to LEAs about student membership and enrollment documentation for both traditional and nontraditional schools and programs which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: LEAs and the USOE will have responsibilities--individual persons have no specific duties.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I believe that the fiscal impact on businesses is unlikely. LEAs will bear any additional costs for documentation and accountability due to this rule.

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 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

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

R277. Education, Administration.**R277-419. Pupil Accounting.****R277-419-9. Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors.**

A. R277-419-1 through 8 provide direction for student membership and enrollment and eligibility criteria for both traditional and nontraditional schools and programs.

B. A traditional program is a public school program that consists of eligible enrolled public education students who physically attend school in classrooms.

C. A nontraditional program is a public school program that consists of eligible, enrolled public education students where students primarily receive instruction either online or through a distance learning program.

D. LEAs may enroll students in both traditional and nontraditional programs.

E. Home school courses do not qualify for public education funding for both traditional and non-traditional programs. Home school courses are those where the curriculum and instructional methods, reporting, or evaluation of student progress or mastery is provided or administered by the parent, guardian, custodian, or other group of individuals, not directly supervised by an LEA.

F. LEA and Third Party Vendor Use of Public Funds for Incentives and Reimbursements

(1) LEAs or their third party vendors shall not use public funds, as defined under Section 51-7-3(26), to provide monetary or other incentives for enrollment or referral bonuses to individuals or groups of individuals.

(2) LEAs or their third party vendors shall not use public funds to provide educational, curriculum, instruction, private lessons, or technology reimbursements to individuals, groups of individuals or third party vendors that are not available to all students enrolled in the LEA or required by an IEP or 504 plan that is approved by the LEA.

(3) LEAs or their third party vendors that purchase items or technology devices and provide them to students shall ensure that these items are the property of the LEAs and are subject to the LEAs asset policies.

(4) LEAs shall establish provisions identified in R277-419-9F(1) through (3) in their contracts with third party vendors and shall monitor compliance with these provisions.

G. LEAs shall ensure school enrollment verification records are collected consistent with sound data collection and storage procedures, established by the LEA, and that these records are transmitted securely. It is the LEAs' responsibility to verify the accuracy and validity of student enrollment records, prior to enrolling students in an LEA, and provide students and their parents with notification of enrollment in a public school. An LEA is the only entity authorized to collect and store public school enrollment verification records including:

(1) birth certificates or other verification of age and identity;

(2) verification of immunization or exemption form;

(3) proof of Utah public school residency;

(4) family income verification; or

(5) special education records, including:

(a) individualized education program;

(b) 504 plan; or

(c) English learner plan.

H. All LEAs that enroll public school students shall maintain documentation of the following:

(1) that the LEA complied with all provisions of R277-419-1 through 8;

(2) that the LEA complied with all educator licensure requirements of R277-502;

(3) that the LEA complied with all fingerprint and background check requirements for educators, employees and volunteers consistent with Section 53A-3-410, 53A-1a-512.5, R277-516, and R277-520;

(4) that the LEA established a school schedule consistent with R277-419-4A(1);

(5) that the LEA only enrolled students who met the eligibility requirements of R277-419-5A(1) (a-e);

(6) that the LEA directed the instruction of the core curriculum consistent with Section 53A-1-402(1)(a) and R277-700; and

(7) that the LEA scheduled and administered all statewide assessments, as required under Sections 53A-1-606.6 through 53A-1-611 and R277-404.

I. In addition to R277-419-9D, LEAs that enroll students in traditional programs shall also satisfy the requirements of R277-419-5A(1)(f).

J. In addition to R277-419-9D, LEAs that enroll students in nontraditional programs shall also maintain documentation that the LEA satisfied the following:

(1) adopted a written policy that designates a continuing enrollment measurement to document the continuing membership or enrollment status for individual students consistent with R277-419-5A(1)(c);

(2) measured and documented each student's continued enrollment using the adopted continuing enrollment measurement at least every ten consecutive school days;

(3) documented that LEA employees confirmed students' continued enrollment consistent with R277-419-9J(2) and updated student membership records in the student information system; and

(4) documented that the LEA adjusted the student membership information for students that did not meet the continuing enrollment measurement, consistent with R277-419-5A(1)(c).

K. The continuing enrollment measurement may include some or all of the following components, in addition to other components, as determined by the LEA:

(1) a minimum student login or teacher contact requirement;

(2) required periodic contact with a licensed educator;

(3) a minimum hourly requirement, per day or week, when students are engaged in course work; or

(4) required timelines for a student to provide or demonstrate completed assignments, coursework or progress toward academic goals.

L. LEA Nontraditional Program and Third Party Vendor Compliance

(1) An LEA offering a nontraditional program that contracts for curricular and instructional services which are administered by third party vendors shall submit documentation of compliance with law and Board rules (as prescribed by the Board)

to the Superintendent's office for review prior to the initiation of the program.

(2) An LEA offering a nontraditional program that contracts for curricular and instructional services from a third party vendor and does not resolve a corrective action item, may not qualify for some or all Minimum School Program funds.

M. An LEA that contracts with a third party vendor to provide curricular and instructional services to students for nontraditional programs shall monitor and supervise the vendor throughout the administration of the services and ensure compliance, at a minimum, with the following:

(1) all student eligibility and membership/enrollment requirements of R277-419 are met;

(2) all educator licensure requirements of R277-502 are satisfied;

(3) all fingerprint and background check requirements for educators, employees and volunteers, consistent with Section 53A-3-410, 53A-1a-512.5, R277-516, and R277-520, are met;

(4) the Board-directed core standards are used in student instruction, consistent with Section 53A-1-402(1)(a) and R277-700;

(5) all required statewide assessments are administered by the LEA, as required under Sections 53A-1-606.6 through 53A-1-611 and R277-404;

(6) the LEA has a written supervision plan for the vendor administration of curricular and instructional services; and

(7) the LEA maintains documentation of supervisory activities ensuring compliance with the written supervision plan (copy of the agreement, assignment of supervising personnel by title, meeting notes, correspondence with vendor) consistent with the LEA's administrative records retention schedule.

N. Consistent with R277-114, the Superintendent may withhold funds from traditional or nontraditional public education programs for non-compliance with R277-419. An LEA may appeal the decision of the Superintendent to the Board.

KEY: education finance, school enrollment

Date of Enactment or Last Substantive Amendment: [~~October 9, 2012~~2014

Notice of Continuation: September 14, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1)(e); 53A-1-404(2); 53A-1-301(3)(d); 53A-3-404; 53A-3-410

Education, Administration **R277-700**

The Elementary and Secondary School Core Curriculum

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 38914

FILED: 10/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-700 is amended to provide a change to the graduation requirements as proposed by the Utah State Board of Education's Digital Literacy Task Force. The change provides for computer science to be used as a core science credit, and for other Board-approved courses to be counted toward the required 0.5 computer technology credit.

SUMMARY OF THE RULE OR CHANGE: Computer science is added as a core science credit in the high school graduation requirements, and definitions are removed and new definitions added to accurately reflect current terminology within the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1-402.6 and Subsection 53A-1-401(3) and Subsections 53A-1-402(1)(b) and (c)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amended rule provides computer science as an optional core science credit for high school graduation which likely will not result in a cost or savings to the state budget, but will provide an option for students to earn science credit by taking computer science courses.

◆ **LOCAL GOVERNMENTS:** The amended rule provides computer science as an optional core science credit for high school graduation which likely will not result in a cost or savings to local government, but will provide an option for students to earn science credit by taking computer science courses.

◆ **SMALL BUSINESSES:** The amended rule provides computer science as an optional core science credit for high school graduation which likely will not result in a cost or savings to small businesses, but will provide an option for students to earn science credit by taking computer science courses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amended rule provides computer science as an optional core science credit for high school graduation which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities, but will provide an option for students to earn science credit by taking computer science courses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amended rule provides computer science as an optional core science credit for high school graduation which likely will not result in compliance costs for affected persons, but will provide an option for students to earn science credit by taking computer science 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 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

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

R277. Education, Administration.

R277-700. The Elementary and Secondary School Core Curriculum.

R277-700-1. Definitions.

A. "Accredited" means evaluated and approved under the Standards for Accreditation of the Northwest Accreditation Commission or the accreditation standards of the Board, available from the USOE Accreditation Specialist.

B. "Applied courses" means public school courses or classes that apply the concepts of Core subjects. Courses may be offered through Career and Technical Education or other areas of the curriculum.

C. "Basic skills course" means a subject which requires mastery of specific functions, including skills that prepare students for the future, and was identified as a course to be assessed under Section 53A-1-602.

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

E. "Career and Technical Education(CTE)" means organized educational programs or courses which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations, where entry requirements generally do not require a baccalaureate or advanced degree.

F. "Core Standard" means a statement of what students enrolled in public schools are expected to know and be able to do at specific grade levels or following completion of identified courses.

G. "Core subjects" means courses for which there is a declared set of Core Standards as approved by the Board.

~~H. "Criterion-referenced test (CRT)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.~~

[H]. "Demonstrated competence" means subject mastery as determined by LEA standards and review. Review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports or portfolios.

[J]. "Elementary school" for purposes of this rule means grades K-6 in whatever kind of school the grade levels exist.

[K]. "High school" for purposes of this rule means grades 9-12 in whatever kind of school the grade levels exist.

[L]. "Individualized Education Program (IEP)" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Utah Special Education Rules and Part B of the Individuals with Disabilities Education Act (IDEA).

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

[N]. "Life Skills document" means a companion document to the Core curriculum that describes the knowledge, skills, and dispositions essential for all students; the life skills training helps students transfer academic learning into a comprehensive education.

[O]. "Middle school" for purposes of this rule means grades 7-8 in whatever kind of school the grade levels exist.

[P]. "SEOP/Plan for College and Career Readiness" means a student education occupation plan. An SEOP/Plan for College and Career Readiness is a developmentally organized intervention process that ~~shall~~ includes:

(1) ~~a student's education occupation plans (grades 7-12) including job placement when appropriate~~ a written plan, updated annually, for a secondary student's (grades 7-12) education and occupational preparation;

(2) all Board and LEA board graduation requirements;

(3) evidence of parent or guardian, student, and school representative involvement annually;

(4) attainment of approved workplace skill competencies, including job placement when appropriate; and

(5) identification of post secondary goals and approved sequence of courses.

[Q]. "State Core Curriculum (Core Curriculum)" means the courses, content, instructional elements, materials, resources and pedagogy that are used to teach the Core Standards, as well as the ideas, knowledge, practice and skills that support the Core Standards.

[R]. "Student Assessment of Growth and Excellence (SAGE)" means a summative computer adaptive assessment for English language arts grades 3 through 11; mathematics grades 3 through 8, and Secondary I, II, and III; science grades 4 through 8, earth science, biology, physics and chemistry.

[S]. "Summative adaptive assessments" means assessments administered upon completion of instruction to assess a student's achievement. The assessments are administered online under the direct supervision of a licensed educator and are designed to identify student achievement on the standards for the respective grade and course. The assessments measure the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly.

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

R277-700-2. Authority and Purpose.

A. This rule is authorized by Article X, Section 3 of the Utah Constitution, which places general control and supervision of the public schools under the Board; Section 53A-1-402(1)(b) and (c) which directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction

requirements; Section 53A-1-402.6 which directs the Board to establish a Core Curriculum in consultation with LEA boards and superintendents and directs LEA boards to design local programs to help students master the Core Curriculum; and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify the minimum Core Curriculum and Core Standard requirements for the public schools, to give directions to LEAs about providing the Core Curriculum and Core Standards for the benefit of students, and to establish responsibility for mastery of Core Standard requirements.

R277-700-3. Core Curriculum and Core Standards.

A. The Board establishes minimum course description standards and objectives for each course in the required general core, which is commonly referred to as part of the Core Curriculum.

B. Course descriptions for required and elective courses shall be developed cooperatively by LEAs and the USOE with opportunity for public and parental participation in the development process.

C. The descriptions shall contain mastery criteria for the courses, shall stress mastery of the course material and Core Standards and life skills consistent with the Core Curriculum and Life Skills document. Mastery shall be stressed rather than completion of predetermined time allotments for courses.

D. Implementation of the Core Curriculum and student assessment procedures are the responsibility of LEA boards consistent with state law.

R277-700-4. Elementary Education Requirements.

A. The Board shall establish Core Standards and a Core Curriculum for elementary schools, grades K-6.

B. Elementary School Education Core Subject Area Requirements:

- (1) Grades K-2:
 - (a) Reading/Language Arts;
 - (b) Mathematics;
 - (c) Integrated Curriculum.
- (2) Grades 3-6:
 - (a) Reading/Language Arts;
 - (b) Mathematics;
 - (c) Science;
 - (d) Social Studies;
 - (e) Arts:
 - (i) Visual Arts;
 - (ii) Music;
 - (iii) Dance;
 - (iv) Theatre.
 - (f) Health Education;
 - (g) Physical Education;
 - (h) Educational Technology;
 - (i) Library Media.

C. It is the responsibility of LEA boards to provide access to the Core Curriculum to all students.

D. Student mastery of the Core Standards is the responsibility of LEA boards.

E. Informal assessment should occur on a regular basis to ensure continual student progress.

F. Board-approved [CRTs]summative adaptive assessments shall be used to assess student mastery of the following:

- (1) reading;
- (2) language arts;
- (3) mathematics;
- (4) science; and
- (5) effectiveness of written expression in grades five and eight.

G. Provision for remediation for all elementary students who do not achieve mastery is the responsibility of LEA boards.

R277-700-5. Middle School Education Requirements.

A. The Board shall establish Core Standards and a Core Curriculum for middle school education.

B. Students in grades 7-8 shall earn a minimum of 12 units of credit to be properly prepared for instruction in grades 9-12.

C. LEA boards may require additional units of credit.

D. Grades 7-8 Core Curriculum Requirements and units of credit:

- (1) Language Arts (2.0 units of credit);
- (2) Mathematics (2.0 units of credit);
- (3) Science (1.5 units of credit);
- (4) Social Studies (1.5 units of credit);
- (5) The Arts (1.0 units of credit):
 - (a) Visual Arts;
 - (b) Music;
 - (c) Dance;
 - (d) Theatre.
- (6) Physical Education (1.0 units of credit);
- (7) Health Education (0.5 units of credit);
- (8) Career and Technical Education, Life, and Careers (1.0 units of credit).

E. Best practices, technology and other instructional media shall be used in middle school curricula to increase the relevance and quality of instruction.

F. Board-approved [CRTs]summative adaptive assessments shall be used to assess student mastery of the following:

- (1) reading;
- (2) language arts;
- (3) mathematics; and
- (4) science in grades 7 and 8.

R277-700-6. High School Requirements.

A. The Board shall establish Core Standards and a Core Curriculum for students in grades 9-12.

B. Students in grades 9-12 shall earn a minimum of 24 units of credit through course completion or through competency assessment consistent with R277-705 to graduate.

C. Grades 9-12 Core Curriculum credits from courses approved by the Board, as specified:

- (1) Language Arts (4.0 units of credit):
 - (a) Ninth grade level (1.0 unit of credit);
 - (b) Tenth grade level (1.0 unit of credit);
 - (c) Eleventh grade level (1.0 unit of credit); and
 - (d) Twelfth grade level (1.0[?]) Unit of credit) consisting of applied or advanced language arts credit from the list of Board-

approved courses using the following criteria and consistent with the student's SEOP/Plan for College and Career Readiness:

- (i) courses are within the field/discipline of language arts with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills; and
- (ii) courses provide instruction that leads to student understanding of the nature and disposition of language arts; and
- (iii) courses apply the fundamental concepts and skills of language arts; and
- (iv) courses provide developmentally appropriate content; and

(v) courses develop skills in reading, writing, listening, speaking, and presentation;

(2) Mathematics (3.0 units of credit) met minimally through successful completion of a combination of the foundation or foundation honors courses, Algebra 1, Geometry, Algebra 2, Secondary Mathematics I, Secondary Mathematics II, Secondary Mathematics III as determined in the student's SEOP/Plan for College and Career Readiness. After the 2014-2015 school year Mathematics (3.0 units of credit) shall be met minimally through successful completion of a combination of the foundation or foundation honors courses Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.

(a) Students may opt out of Algebra 2 or Secondary Mathematics III with written parent/legal guardian request. If an opt out is requested, the third math credit shall come from the advanced and applied courses on the Board-approved mathematics list.

(b) 7th and 8th grade students may earn credit for a mathematics foundation course before ninth grade, consistent with the student's SEOP/Plan for College and Career Readiness and if at least one of the following criteria is met:

- (i) the student is identified as gifted in mathematics on at least two different USOE-approved assessments;
- (ii) the student is dual enrolled at the middle school/junior high school and the high school;
- (iii) the student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade;
- (iv) the student takes the USOE competency test in the summer prior to 9th grade and earns high school graduation credit for the courses.

(c) Other students who successfully complete a foundation course before ninth grade shall still earn 3.0 units of credit by taking the other foundation courses and an additional course from the advanced and applied Board-approved mathematics list consistent with the student's SEOP/Plan for College and Career Readiness and the following criteria:

- (i) courses are within the field/discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;
- (ii) courses provide instruction that lead to student understanding of the nature and disposition of mathematics;
- (iii) courses apply the fundamental concepts and skills of mathematics;
- (iv) courses provide developmentally appropriate content; and
- (v) courses include the five process skills of mathematics: problem solving, reasoning, communication, connections, and representation.

(c) Students who are gifted and students who are advanced may also:

(i) Take the honors courses at the appropriate grade level; and

(ii) Continue taking higher level mathematics courses in sequence through grade 11, resulting in a higher level of mathematics proficiency and increased college and career readiness.

(d) A student who successfully completes a Calculus course has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

(e) Students should consider taking additional credits during their senior year that align with their postsecondary career or college expectations. Students who desire a four year college degree in a science, technology, engineering or mathematics (STEM) career area should take a calculus course.

(3) Science (3.0 units of credit):

(a) at a minimum, two courses from the ~~four~~ science foundation areas:

- (i) Earth Systems Science (1.0 units of credit);
- (ii) Biological Science (1.0 units of credit);
- (iii) Chemistry (1.0 units of credit);
- (iv) Physics (1.0 units of credit);

(v) Computer Science; and

(b) one additional unit of credit from the foundation courses or the applied or advanced science list determined by the LEA board and approved by the Board using the following criteria and consistent with the student's SEOP/Plan for College and Career Readiness:

(i) courses are within the field/discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills; and

(ii) courses provide instruction that leads to student understanding of the nature and disposition of science; and

(iii) courses apply the fundamental concepts and skills of science; and

(iv) courses provide developmentally appropriate content; and

(v) courses include the areas of physical, natural, or applied sciences; and

(vi) courses develop students' skills in scientific inquiry.

(4) Social Studies (3.0 units of credit):

- (a) Geography for Life (0.5 units of credit);
 - (b) World Civilizations (0.5 units of credit);
 - (c) U.S. History (1.0 units of credit);
 - (d) U.S. Government and Citizenship (0.5 units of credit);
 - (e) General Financial Literacy (0.5 units of credit).
- (5) The Arts (1.5 units of credit from any of the following performance areas):

- (a) Visual Arts;
- (b) Music;
- (c) Dance;
- (d) Theatre;
- (6) Physical and Health Education (2.0 units of credit):
- (a) Health (0.5 units of credit);
- (b) Participation Skills (0.5 units of credit);
- (c) Fitness for Life (0.5 units of credit);
- (d) Individualized Lifetime Activities (0.5 units of credit) or team sport/athletic participation (maximum of 0.5 units of credit with school approval).

- (7) Career and Technical Education (1.0 units of credit):
- Agriculture;
 - Business;
 - Family and Consumer Sciences;
 - Health Science and Technology;
 - Information Technology;
 - Marketing;
 - Technology and Engineering Education;
 - Trade and Technical Education.
- (8) Educational Technology (0.5 units of credit):
- Computer Technology (0.5 units of credit [~~for the class by this specific name only~~] from a Board-approved list of courses); or
 - successful completion of Board-approved competency examination (credit may be awarded at the discretion of the LEA).
 - Library Media Skills (integrated into the subject areas).

- (10) Electives (6.0 units of credit).

D. Board-approved [~~CRTs~~]summative adaptive assessments shall be used to assess student mastery of the following subjects:

- reading;
- language arts through grade 11;
- mathematics as defined under R277-700-6C(2); and
- science as defined under R277-700-6C(3).

E. LEA boards may require students to earn credits for graduation that exceed minimum Board requirements.

F. Additional elective course offerings may be established and offered at the discretion of an LEA board.

G. Students with disabilities served by special education programs may have changes made to graduation requirements through individual IEPs to meet unique educational needs. A student's IEP shall document the nature and extent of modifications and substitutions or exemptions made to accommodate a student with disabilities.

H. The Board and USOE may review LEA boards' lists of approved courses for compliance with this rule.

I. Graduation requirements may be modified for individual students to achieve an appropriate route to student success when such modifications:

- are consistent with the student's IEP or SEOP/Plan for College and Career Readiness or both;
- are maintained in the student's file and include the parent's/guardian's signature; and
- maintain the integrity and rigor expected for high school graduation, as determined by the Board.

R277-700-7. Student Mastery and Assessment of Core Standards.

A. Student mastery of the Core Curriculum at all levels is the responsibility of LEA boards of education.

B. Provisions for remediation of secondary students who do not achieve mastery is the responsibility of LEA boards of education under Section 53A-13-104.

C. Students who are found to be deficient in basic skills through U-PASS shall receive remedial assistance according to provisions of Section 53A-1-606(1).

D. If parents object to portions of courses or courses in their entirety under provisions of law (Section 53A-13-101.2) and

rule (R277-105), students and parents shall be responsible for the mastery of Core objectives to the satisfaction of the school prior to promotion to the next course or grade level.

E. Students with disabilities:

(1) All students with disabilities served by special education programs shall demonstrate mastery of the Core Standards.

(2) If a student's disabling condition precludes the successful demonstration of mastery, the student's IEP team, on a case-by-case basis, may provide accommodations for or modify the mastery demonstration to accommodate the student's disability.

F. Students may demonstrate competency to satisfy course requirements consistent with R277-705-3.

G. All Utah public school students shall participate in state-mandated assessments, as specified in R277-404.

H. LEAs are ultimately responsible for and shall comply with all assessment procedures, policies and ethics as described in R277-473.

KEY: curricula

Date of Enactment or Last Substantive Amendment: [~~June 7, 2012~~]2014

Notice of Continuation: March 12, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-1-402.6; 53A-1-401(3)

**Environmental Quality, Air Quality
R307-110-17
Section IX, Control Measures for Area
and Point Sources, Part H, Emissions
Limits**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38899

FILED: 10/06/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Air Quality Board has proposed adding new sections IX.H.21 and 22, Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements, to the state implementation plan (SIP). Because Section R307-110-17 is the section that incorporates the latest version of Part H of the SIP, the rule needs to be amended as well. The SIP is being amended because on 12/14/2012 the EPA approved the majority of Utah's Regional Haze SIP (RH SIP), but disapproved Utah's Best Available Retrofit Technology (BART) determinations for NOx and particulate matter (PM) for PacifiCorp's Hunter Unit 1, Hunter Unit 2, Huntington Unit 1, and Huntington Unit 2 that were adopted by the Air Quality Board in 2008. Specifically, EPA determined that the approval orders and operating permits for PacifiCorp's Hunter and Huntington plants were not practicably enforceable.

SUMMARY OF THE RULE OR CHANGE: Two new sections are added to Part H of the SIP to include enforceable BART conditions and emission limitations for particulate matter and NOx for PacifiCorp's Hunter and Huntington plants.

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

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, published by State of Utah, Division of Air Quality, 01/07/2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The new sections of Part H only apply to PacifiCorp's Hunter and Huntington plants; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The new sections of Part H only apply to PacifiCorp's Hunter and Huntington plants; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** The new sections of Part H only apply to PacifiCorp's Hunter and Huntington plants; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The new sections of Part H only apply to PacifiCorp's Hunter and Huntington plants; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The emission limits in Part H should not result in any additional compliance costs as the limits are already established in PacifiCorp's approval orders and operating permits. This new section was added to Part H to ensure that the limits are practicably enforceable.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The emission limits in Part H should not have a fiscal impact on businesses as the limits are already established in PacifiCorp's approval orders and operating permits. This new section was added to Part H to ensure that the limits are practicably enforceable.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/22/2014

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 12/01/2014 01:00 PM, DEQ, 195 N 1950 W, Room 4100, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, as most recently amended by the Utah Air Quality Board on [December 3, 2014] January 7, 2015, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [~~January 9, 2014~~] **2015**

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

Environmental Quality, Air Quality **R307-110-28** Regional Haze

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 38900

FILED: 10/06/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Air Quality Board has proposed amending state implementation plan (SIP) Section XX.D.6, Regional Haze, Long-Term Strategy for Stationary Sources, Best Available Control Technology (BART) Assessment for NOx and PM. Because Section R307-110-28 incorporates the latest version of the SIP adopted by the Air Quality Board, the rule needs to be amended as well. The SIP is being amended because on 12/14/2012 the EPA approved the majority of Utah's Regional Haze SIP (RH SIP), but disapproved Utah's Best Available Retrofit Technology (BART) determinations for NOx and particulate matter (PM) for PacifiCorp's Hunter Unit 1, Hunter Unit 2, Huntington Unit 1, and Huntington Unit 2 that were adopted by the Air Quality

Board in 2008. Specifically, EPA determined that the SIP did not contain a five-factor analysis as required by the rule. The resulting proposed amendments to the SIP are recommended after considering the new five-factor analysis, monitoring data, and the impact of pending federal regulations.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to incorporate the version of the RH SIP as adopted by the Air Quality Board on 01/07/2015. The RH SIP is amended to: 1) correct typographic errors in Table 5 to reflect the 0.015 lb/MMBtu PM limit in the approval orders for Hunter Units 1 and 2 and include the 74 lb/hr emission rate for Huntington Unit 1 and the 70 lb/hr emission rate for Huntington Unit 2; 2) add an enforceable requirement to shut down Carbon Unit 1 and Carbon Unit 2 by 04/15/2015; and 3) add clarifying language and grammatical corrections.

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

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah State Implementation Plan, Section XX, Regional Haze, published by State of Utah, Division of Air Quality, 01/07/2015

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no changes in the SIP or the rule that affect the state; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** There are no changes in the SIP or the rule that affect local government; therefore, there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** The changes made to the SIP address BART determinations for PacifiCorp. Because PacifiCorp employs more than 50 persons, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because the changes made to the SIP only affect PacifiCorp, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The plan requires that Carbon units 1 and 2 shall be retired by 04/15/2015. Because PacifiCorp had already announced the closure of these units, there are no additional compliance costs to them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The plan requires that Carbon units 1 and 2 shall be retired by 04/15/2015. Because PacifiCorp had already announced the closure of these units, there are no additional compliance costs to them.

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

AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/22/2014

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 12/01/2014 01:00 PM, DEQ, 195 N 1950 W, Room 4100, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on [~~April 6, 2014~~] January 7, 2015, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [~~January 9, 2014~~] 2015

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

Environmental Quality, Air Quality

R307-401-19

General Approval Order

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38901

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In November 2013, the Air Quality Board adopted a new rule that provides authority for the director to issue a general approval order (GAO) that would apply to a category of similar type sources. The first GAO developed by the Division of Air Quality (DAQ) was issued in June 2014, and

applies to crude oil and natural gas well sites. During the development of this GAO, DAQ engineers discovered that a limitation in the rule is unnecessarily restrictive as the first level of review could potentially screen out sources that could meet the second level of review.

SUMMARY OF THE RULE OR CHANGE: The proposed change to the rule allows coverage under a general approval order if a demonstration is completed that meets the requirements of Subsection R307-410-5(1)(c)(ii).

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Because the proposed change is to fix a provision in the rule that made it unnecessarily restrictive for sources to get coverage under a GAO, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Because the proposed change is to fix a provision in the rule that made it unnecessarily restrictive for sources to get coverage under a GAO, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Because the proposed change is to fix a provision in the rule that made it unnecessarily restrictive for sources to get coverage under a GAO, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because the proposed change is to fix a provision in the rule that made it unnecessarily restrictive for sources to get coverage under a GAO, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change is to fix a provision in the rule that made it unnecessarily restrictive for sources to get coverage under a GAO. It would allow sources to get coverage under a GAO if a demonstration is completed that meets the requirements of Subsection R307-410-5(1)(c)(ii). The requirements in this section remain the same; therefore, there are no additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change is to fix a provision in the rule that made it unnecessarily restrictive for sources to get coverage under a GAO. It would allow sources to get coverage under a GAO if a demonstration is completed that meets the requirements of Subsection R307-410-5(1)(c)(ii). The requirements in this section remain the same; therefore, this rule amendment should have no fiscal impact on businesses.

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

FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-19. General Approval Order.

(1) The director may issue a general approval order that would establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

(a) A major source or major modification as defined in R307-403, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.

(b) A source that is subject to the requirements of R307-403-5 is not eligible for coverage under a general approval order.

(c) A source that is subject to the requirements of R307-410-4 is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of R307-410-4 was conducted.

(d) A source that is subject to the requirements of R307-410-5(1)(c)(ii) ~~is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of R307-410-5(1)(c)(ii) was conducted.~~

(e) A source that is subject to the requirements of R307-410-5(1)(c)(iii) is not eligible for coverage under a general approval order.

(2) A general approval order shall meet all applicable requirements of R307-401-8.

(3) The public notice requirements in R307-401-7 shall apply to a general approval order except that the director will advertise the notice of intent in a newspaper of statewide circulation.

(4) Application.

(a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to be covered under the conditions of the general approval order.

(b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in R307-401-5 for all equipment covered by the general approval order.

(c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be covered by the general approval order.

(d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction, modification, or relocation until the application has been approved by the director.

(5) Approval.

(a) The director will review the application and approve or deny the request based on criteria specified in the general approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the general approval order.

(b) The public notice requirements in R307-401-7 do not apply to the approval of an application to be covered under the general approval order.

(c) The director will maintain a record of all stationary sources that are covered by a specific general approval order and this record will be available for public review.

(6) Exclusions and Revocation.

(a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of intent and obtain an individual approval order under R307-401-8. Cases where an individual approval order will be required include, but are not limited to, the following:

(i) the director determines that the source does not meet the criteria specified in the general approval order;

(ii) the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order;

(iii) modifications were made to the source that were not authorized by the general approval order or an individual approval order;

(iv) the director determines the source may cause a violation of a national ambient air quality standard; or

(v) the director determines that one is required based on the compliance history and current compliance status of the source or applicant.

(b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general approval order by submitting a notice of intent under R307-401-5 and receiving an individual approval order under R307-401-8.

(ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of the general approval order to the individual source is revoked on the effective date of the individual approval order.

(7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.

(a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to correct typographical errors or similar minor administrative changes.

(b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under previous versions of the general approval order unless the owner or operator submits an application to be covered under the new version of the general approval order. Modifications under R307-401-19(7)(b) shall meet the public notice requirements in R307-401-19(3).

(c) A general approval order shall be reviewed at least every three year. The review of the general approval order shall follow the public notice requirements of R307-401-19(3).

(8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require a new application for either an individual approval order under R307-401-8 or a general approval order under R307-401-19.

KEY: air pollution, permits, approval orders, greenhouse gases

Date of Enactment or Last Substantive Amendment: [August 7, 2014]2015

Notice of Continuation: June 6, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

Environmental Quality, Radiation Control **R313-19** Requirements of General Applicability to Licensing of Radioactive Material

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38907

FILED: 10/14/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Incorporation of rule changes related to the adoption of new rules governing the physical protection of category 1 and category 2 quantities of radioactive material in a new proposed Rule R313-37, and clarifying language in Section R313-19-2.

SUMMARY OF THE RULE OR CHANGE: Reference to the new rule, R313-37, is included in Section R313-19-2, and the wording in this rule was clarified and reordered for improved ease of reading. Section R313-19-7 was added to grant an exemption from licensing to common and contract carriers who transport and store incident to transport radioactive materials or devices containing radioactive material. The incorporation by reference of the applicable regulations in 10 CFR 71 in Section R313-19-100 was updated to the 2014 edition of 10 CFR 71.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 10 CFR 30.13 and 10 CFR 71.97(b) and Subsection 19-3-104(4) and Subsection 19-3-104(8)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates 10 CFR 71, published by Government Printing Office, 01/01/2014

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There would be no anticipated costs or savings to the state budget since the changes in Section R313-19-2 only describe the applicability of the various rules of the Utah Radiation Control Rules, exempting common and contract carriers from licensing does not remove a requirement since the Division doesn't currently license these groups, and the change in the incorporation by reference in Section R313-19-100 addresses a change to the advanced

notification of the shipment of certain quantities and types of radioactive material.

♦ LOCAL GOVERNMENTS: There would be no anticipated costs or savings to local government since the changes to rule do not impact local governments.

♦ SMALL BUSINESSES: There would be no anticipated costs or savings to small businesses since the rule changes do not add to or remove existing rules that may affect small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There would be no anticipated costs or savings to persons other than small businesses, businesses, or local government entities since the rule changes do not add to or remove existing rules that may affect these persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated costs for affected persons since the proposed rule changes do not add new requirements that would cause affected persons to incur any changes in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change to the rule is necessary for the Utah Radiation Control Rules to be compatible with NRC requirements, and to ensure that the Division's program activities are adequate to protect the public health and safety. The Division is not aware of any business that would be impacted fiscally due to the proposed rule changes.

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

ENVIRONMENTAL QUALITY
RADIATION CONTROL
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:

♦ Philip Griffin by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2014

AUTHORIZED BY: Rusty Lundberg, Director

R313. Environmental Quality, Radiation Control.

R313-19. Requirements of General Applicability to Licensing of Radioactive Material.

R313-19-2. General.

(1) A person shall not manufacture, produce, receive, possess, use, transfer, own or acquire radioactive material except as

authorized in a specific or general license issued pursuant to Rules R313-21 or R313-22 or as otherwise provided in Rule R313-19.

(2) In addition to the requirements of Rules R313-19, R313-21 or R313-22, all licensees are subject to the requirements of Rules R313-12, R313-15, and R313-18. Licensees engaged in source material milling operations, authorized to possess byproduct material, as defined in Section R313-12-3 (see definition (b)) from source material milling operations, authorized to possess and maintain a source material milling facility in standby mode, authorized to receive byproduct material from other persons for disposal, or authorized to possess and dispose of byproduct material generated by source material milling operations are subject to the requirements of Rule R313-24. Licensees engaged in land disposal of radioactive material are subject to the requirements of Rule R313-25. Licensees using radioactive material in the healing arts are subject to the requirements of Rule R313-32. Licensees authorized to use sealed sources containing radioactive materials in panoramic irradiators with dry or wet storage of radioactive sealed sources, underwater irradiators, or irradiators with high dose rates from radioactive sealed sources are subject to the requirements of Rule R313-34. Licensees engaged in industrial radiographic operations are subject to the requirements of Rule R313-36. Licensees possessing category 1 or category 2 quantities of radioactive material, as defined in Section R313-37-3 (incorporating 10 CFR 37.5 by reference), are subject to the physical protection requirements of Rule R313-37. Licensees engaged in wireline and subsurface tracer studies are subject to the requirements of Rule R313-38. Licensees authorized to use sealed sources containing radioactive materials in panoramic irradiators with dry or wet storage of radioactive sealed sources, underwater irradiators, or irradiators with high dose rates from radioactive sealed sources are subject to the requirements of Rule R313-34, licensees engaged in industrial radiographic operations are subject to the requirements of Rule R313-36, licensees using radionuclides in the healing arts are subject to the requirements of Rule R313-32, licensees engaged in land disposal of radioactive material are subject to the requirements of Rule R313-25, and licensees engaged in wireline and subsurface tracer studies are subject to the requirements of Rule R313-38. Licensees engaged in source material milling operations, authorized to possess byproduct material, as defined in Section R313-12-3 (see definition (b)) from source material milling operations, authorized to possess and maintain a source material milling facility in standby mode, authorized to receive byproduct material from other persons for disposal, or authorized to possess and dispose of byproduct material generated by source material milling operations are subject to the requirements of Rule R313-24.]

R313-19-7. Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in Rules R313-19, R313-21, R313-22, R313-32, R313-34, R313-36, R313-37, and R313-38 and the requirements for a license set forth in Subsection 19-3-104(3) to the extent that they transport or store radioactive material in the regular course of carriage for another or storage incident thereto.

R313-19-100. Transportation.

For purposes of Section R313-19-100, 10 CFR 71.0(c), 71.1(a), 71.3, 71.4, 71.13, 71.14(a), 71.15, 71.17, 71.19(a), 71.19(b), 71.19(c), 71.20 through 71.23, 71.47, 71.83 through 71.89, 71.97,

71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, 71.127 through 71.137, and Appendix A to Part 71 (2014)(2010) are incorporated by reference with the following clarifications or exceptions:

- (1) The exclusion of the following:
 - (a) In 10 CFR 71.4 the following definitions:
 - (i) "close reflection by water";
 - (ii) "licensed material";
 - (iii) "optimum interspersed hydrogenous moderation";
 - (iv) "spent nuclear fuel or spent fuel"; and
 - (v) "state."
 - (2) The substitution of the following date reference:
 - (a) "October 1, 2011" for "October 1, 2008".
 - (3) The substitution of the following rule references:
 - (a) "R313-36 (incorporating 10 CFR 34.31(b) by reference)" for "Sec. 34.31(b) of this chapter" as found in 10 CFR 71.101(g);
 - (b) "R313-15-502" for reference to "10 CFR 20.1502";
 - (c) "R313-14" for reference to "10 CFR Part 2 Subpart B";
 - (d) "Rule R313-32, 10 CFR Part 35," for reference to "10 CFR part 35";
 - (e) "R313-15-906(5)" for reference to "10 CFR 20.1906(e)";
 - (f) "R313-19-100(5)" for "Sec. 71.5";
 - (g) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "subpart H of this part" or for "subpart H" except in 10 CFR 71.17(b), 71.20(b), 71.21(b), 71.22(b), 71.23(b);
 - (h) "10 CFR 71.0(c), 71.1(a), 71.3, 71.4, 71.17(c)(2), 71.20(c)(2), 71.21(d)(2), 71.83 through 71.89, 71.97, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "subparts A, G, and H of this part";
 - (i) "10 CFR 71.47" for "subparts E and F of this part"; and
 - (j) "10 CFR 71.101(a), 71.101(b), 71.101(c)(1), 71.101(g), 71.105, and 71.127 through 71.137" for "Sec. Sec. 71.101 through 71.137."
 - (4) The substitution of the following terms:
 - (a) "Director" for:
 - (i) "Commission" in 10 CFR 71.0(c), 71.17(a), 71.20(a), 71.21(a), 71.22(a), 71.23(a), and 71.101(c)(1);
 - (ii) "Director, Division of Nuclear Safety, Office of Nuclear Security and Incident Response" in 10 CFR 71.97(c)(1), and 71.97(f)(1);
 - (iii) "Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001" in 10 CFR 71.97(c)(3)(iii);
 - (iv) "NRC" in 10 CFR 71.101(f);
 - (b) "Director, the U.S. Nuclear Regulatory Commission, or an Agreement State" for "Commission" in 10 CFR 71.3;
 - (c) "The Governor of Utah" for:
 - (i) "the governor of a State" in 71.97(a);
 - (ii) "each appropriate governor" in 10 CFR 71.97(c)(1);
 - (iii) "the governor" in 10 CFR 71.97(c)(3);
 - (iv) "the governor of the state" in 10 CFR 71.97(e);
 - (v) "the governor of each state" in 10 CFR 71.97(f)(1);
 - (vi) "a governor" in 10 CFR 71.97(e);
 - (d) "State of Utah" for "State" in 71.97(a), 71.97(b)(2), and 71.97(d)(4);
 - (e) "the Governor of Utah's" for:

- (i) "the governor's" in 10 CFR 71.97(a), 71.97(c)(3), 71.97(c)(3)(iii), 71.97(e), and 71.97(f)(1);
- (ii) "governor's" in 10 CFR 71.97(c)(1), and 71.97(e);
- (f) "Specific or general" for "NRC" in 10 CFR 71.0(c);
- (g) "The Director at the address specified in R313-12-110" for reference to "ATTN: Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards" in 10 CFR 71.101(c)(1);
- (h) "Each" for "Using an appropriate method listed in Sec. 71.1(a), each" in 10 CFR 71.101(c)(1);
- (i) "The material must be contained in a Type A package meeting the requirements of 49 CFR 173.417(a)." for "The fissile material need not be contained in a package which meets the standards of subparts E and F of this part; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a)." as found in 10 CFR 71.22(a) and 71.23(a);
- (j) "Licensee" for "licensee, certificate holder, and applicant for a COC"; and
- (k) "Licensee is" for reference to "licensee, certificate holder, and applicant for a COC are."
- (5) Transportation of licensed material
 - (a) Each licensee who transports licensed material outside the site of usage, as specified in the license issued by the Director, the U.S. Nuclear Regulatory Commission or an Agreement State, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation regulations in 49 CFR parts 107, 171 through 180, and 390 through 397 (2009), appropriate to the mode of transport.
 - (i) The licensee shall particularly note DOT regulations in the following areas:
 - (A) Packaging--49 CFR part 173: subparts A (49 CFR 173.1 through 49 CFR 173.13), B (49 CFR 173.21 through 49 CFR 173.40), and I (49 CFR 173.401 through 49 CFR 173.477).
 - (B) Marking and labeling--49 CFR part 172: subpart D (49 CFR 172.300 through 49 CFR 172.338); and 49 CFR 172.400 through 49 CFR 172.407 and 49 CFR 172.436 through 49 CFR 172.441 of subpart E.
 - (C) Placarding--49 CFR part 172: subpart F (49 CFR 172.500 through 49 CFR 172.560), especially 49 CFR 172.500 through 49 CFR 172.519 and 49 CFR 172.556; and appendices B and C.
 - (D) Accident reporting--49 CFR part 171: 49 CFR 171.15 and 171.16.
 - (E) Shipping papers and emergency information--49 CFR part 172: subparts C (49 CFR 172.200 through 49 CFR 172.205) and G (49 CFR 172.600 through 49 CFR 172.606).
 - (F) Hazardous material employee training--49 CFR part 172: subpart H (49 CFR 172.700 through 49 CFR 172.704).
 - (G) Security plans--49 CFR part 172: subpart I (49 CFR 172.800 through 49 CFR 172.804).
 - (H) Hazardous material shipper/carrier registration--49 CFR part 107: subpart G (49 CFR 107.600 through 49 CFR 107.606).
 - (ii) The licensee shall also note DOT regulations pertaining to the following modes of transportation:
 - (A) Rail--49 CFR part 174: subparts A through D (49 CFR 174.1 through 49 CFR 174.86) and K (49 CFR 174.700 through 49 CFR 174.750).

(B) Air--49 CFR part 175.

(C) Vessel--49 CFR part 176: subparts A through F (49 CFR 176.1 through 49 CFR 176.99) and M (49 CFR 176.700 through 49 CFR 107.720).

(D) Public Highway--49 CFR part 177 and parts 390 through 397.

(b) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Director, P.O. Box 144850, Salt Lake City, Utah 84114-4850.

KEY: license, reciprocity, transportation, exemptions

Date of Enactment or Last Substantive Amendment: ~~2014~~ **March 19, 2013**

Notice of Continuation: September 23, 2011

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

Environmental Quality, Radiation Control R313-37

Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38908

FILED: 10/14/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose is to incorporate by reference the requirements in 10 CFR 37 for the protection of category 1 and category 2 quantities of radioactive materials. This rule codifies requirements previously imposed on holders of a Utah Radioactive Material License to possess such quantities of radioactive material through an order issued by the U.S. Nuclear Regulatory Commission or by license condition.

SUMMARY OF THE RULE OR CHANGE: The rule will replace the requirements for the physical protection of significant quantities of radioactive materials possessed by Utah radioactive material licensees that were previously imposed under an NRC order or through special conditions in the licensee's license. In promulgating 10 CFR 37, the U.S. Nuclear Regulatory Commission modified some of the requirements for the physical protection and security of these quantities of radioactive material, and imposed additional requirements on the NRC's licensees. As an agreement

state, the Utah Radiation Control Board must adopt compatible regulations to those of the NRC in order to maintain a regulatory program that is adequate for the health and safety of the public from sources of radiation. Agreement states are given three years from the publication date of the final rule in the Federal Register to adopt compatible regulations. In order to assist the agreement states in their adoption of these requirements, the NRC has established compatibility categories for its rules, and has determined the compatibility category for each of the requirements to be adopted. The Division of Radiation Control has reviewed the compatibility categories for the requirements in 10 CFR 37, and has included all requirements necessary to have compatible regulations and maintain an adequate regulatory program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 10 CFR 37 and Subsection 19-3-104(4) and Subsection 19-3-104(8)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds 10 CFR 37, published by Government Printing Office, 01/01/2014

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** While it is anticipated that the amount of time spent by Division staff in inspecting affected licensees' compliance with the new rules will be increased, no fees are associated with the inspection of radioactive material licensees, and the inspection activities of Division staff would be a normal part of staff work activities. As such, no costs or savings are anticipated to impact the state budget.

◆ **LOCAL GOVERNMENTS:** While the increased security measures imposed by NRC orders or through license conditions required licensed to coordinate with local law enforcement agencies in their response to actual or attempted unauthorized access to significant quantities of radioactive material, changes to this requirement due to the new rule will likely require the affected licensees to have more frequent contact and coordination with local law enforcement agencies. This may result in additional time spent by local law enforcement officers in coordinating their response with affected licensees. While these additional coordination activities may result in additional costs to local government, they are variable and the Division is not able to provide a reasonable estimate of the cost.

◆ **SMALL BUSINESSES:** There are a number of changes to the requirements previously imposed under an NRC order or by license condition in the new rule that will likely have a fiscal impact on all affected licensees, including small businesses that possess significant quantities of radioactive material. While the potential financial impact on affected small businesses is unknown, the NRC estimated that, on average, a licensee would have a one time cost of approximately \$23,375 and an annual cost of approximately \$21,736 to fully implement the final rule. It is the Division's opinion that these cost estimates are overly conservative, and the actual additional costs to affected licensees is likely to be much less. This is because the current affected licensees

already have in place increased security measures, and the additional requirements in the new rule will only require affected licensees to implement enhancements and improvements to their existing security measures. A more reasonable estimate for the maximum one time and annual costs to affected licensees might be \$10,000 and \$5,000, respectively, per licensee. At this time, there are approximately 17 radioactive material licensees that would be subject to the new rule. The maximum total costs to all licensees is estimated to be: \$170,000 (one time costs) and \$85,000 (annual costs).

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: It is not anticipated that there would be any costs to any person other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As discussed earlier, the maximum anticipated cost to an affected licensee might be \$10,000 (one time cost) and \$5,000 annually.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change to the rule is necessary for the Utah Radiation Control Rules to be compatible with NRC requirements, and to ensure that the Division's program activities are adequate to protect the public health and safety. The Division feels that the additional costs incurred by any affected business due to the proposed rule changes are reasonable and necessary to adequately secure significant quantities of radioactive material against theft, diversion, or sabotage. Such security measures are needed to secure valued assets of the affected businesses, and to protect the public health and safety.

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

◆ Philip Griffin by phone at 801-536-4261, by FAX at 801-533-4097, or by Internet E-mail at pgriffin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2014

AUTHORIZED BY: Rusty Lundberg, Director

R313. Environmental Quality, Radiation Control.

R313-37. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.

R313-37-1. Purpose and Authority.

(1) The rules in R313-37 prescribe requirements for the physical protection program for a licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material.

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

(3) The requirements of R313-37 are in addition to, and not in substitution for, the other requirements of these rules.

R313-37-2. Scope.

These requirements provide reasonable assurance of the security of category 1 and category 2 quantities of radioactive material by protecting these materials from theft or diversion. Specific requirements for access to material, and use, transfer, and transportation of material are included.

R313-37-3. Clarifications or Exceptions.

For purposes of R313-37, 10 CFR 37.5, 37.11(c), 37.21 through 37.43(d)(8), 37.45 through 37.103, and Appendix A to 10 CFR 37 (2014), are incorporated by reference with the following clarifications or exceptions:

(1) The exclusion of the following:

(a) In 10 CFR 37.5, exclude definitions for "Act", "Agreement State", "Becquerel", "Byproduct Material", "Commission", "Curie", "Government Agency", "License", "License issuing authority", "Lost or missing licensed material", "Person", "State", and "United States";

(b) In 10 CFR 37.77, exclude the wording "Notifications to the NRC must be to the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The notification to the NRC may be made by email to RAMQC_SHIPMENTS@nrc.gov or by fax to 301-816-5151"; and

(c) In 10 CFR 37.81(g), exclude the wording "In addition, the licensee shall provide one copy of the written report addressed to the Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001."

(2) The substitution of the following wording:

(a) "Utah Radiation Control Rule" for references to:

(i) "Commission regulation" in 10 CFR 37.101; and

(ii) "regulation" in 10 CFR 37.103;

(b) "Utah Radiation Control Rules" for reference to:

(i) "regulations and laws" in 10 CFR 37.31(d);

(ii) "Commission requirements" in 10 CFR 37.43(a)(3) and 37.43(c)(1)(i); and

(iii) "regulations in this part" in 10 CFR 37.103;

(c) "Director" for references to:

(i) "appropriate NRC regional office listed in Section 30.6(a)(2)" in 10 CFR 37.45(b);

(ii) "Commission" in 10 CFR 37.103;

(iii) "NRC" in 10 CFR 37.31(d), 37.43(c)(3)(iii), 37.57(a) and (c), 37.77, and 37.77(a)(1) (first instance) and (3);

(iv) "NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory

Commission, Washington, DC 29555-0001" in 10 CFR 37.77(c)(2) and 37.77(d);

(v) "NRC's Director of Nuclear Security, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 29555-0001" in 10 CFR 37.77(c)(1);

(vi) "NRC's Operations Center" in 10 CFR 37.81(a) and (b);

(vii) "NRC's Operations Center (301-816-5100)" in 10 CFR 37.57(a) and (b) and 37.81(a) through (f);

(viii) "NRC regional office listed in section 30.6(a)(2) of this chapter" in 10 CFR 37.41.(a)(3); and

(ix) "NRC regional office specified in section 30.6 of this chapter" in 10 CFR 37.41(a)(3);

(d) "Director, the U.S. Nuclear Regulatory Commission, or an Agreement State" for references to "Commission or an Agreement State" in 10 CFR 37.71 and 37.71(a) and (b);

(e) "U.S. Nuclear Regulatory Commission's Security Orders or the legally binding requirement issued by Agreement States" for references to "Security Orders" in 10 CFR 37.21(a)(3), 37.25(b)(2), and 37.41(a)(3);

(f) "mail, hand delivery, or electronic submission" for references to "an appropriate method listed in section 37.7" in 10 CFR 37.57(c) and 37.81(g); and

(g) "shall, by mail, hand delivery, or electronic submission," for reference to "shall use an appropriate method listed in section 37.7 to" in 10 CFR 37.27(c).

(3) The substitution of the following rule references:

(a) "R313-19-41(4)" for reference to "section 30.41(d) of this chapter";

(b) "R313-19-100 (incorporating 10 CFR 37.97 by reference)" for reference to "section 71.97 of this chapter" in 10 CFR 37.73(b);

(c) "R313-19-100 (incorporating 10 CFR 37.97(b) by reference)" for reference to "section 71.97(b) of this chapter" in 10 CFR 37.73(b); and

(d) "10 CFR 73" for references to "part 73 of this chapter" in 10 CFR 37.21(c)(4), 37.25(b)(2), and 37.27(a)(4).

KEY: radioactive material, security, fingerprinting, transportation

Date of Enactment or Last Substantive Amendment: 2014

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

Health, Center for Health Data, Health
Care Statistics
R428-1
Health Data Plan and Incorporated
Documents

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38909

FILED: 10/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update the version of one document incorporated by reference within Rule R428-1; specifically, change Utah All-Payer Claims Database Data Submission Guide from Version 2.0 to Version 2.1. Also, drop obsolete reference to Technical Specifications v 1.3 from the rule since the document is no longer used or needed.

SUMMARY OF THE RULE OR CHANGE: The changes update material incorporated by reference to reflect technical requirements expected for compliance beginning April 2015, in particular: 1) adding and requiring more data fields to allow the Department to comply with the legislative requirement of providing information for coordination of benefits (COB) project; and 2) editing language on required submissions from stand-alone dental carriers--a future requirement-- to have more clarity regarding the timing and process for eventually including stand-alone dental data into the All Payer Claims Database. The changes also remove unnecessary language.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 33a

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah All Payer Claims Database: Data Submission Guide, published by Utah Department of Health, 10/15/2014

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule amendment updates the version of data submittal manual for the All Payer Claims Database. The Utah Department of Health (UDOH) determines enactment of the amended version will not create any additional cost or savings impact to the state budget or UDOH's budget, since the change will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** This filing does not create any direct cost or savings impact to local governments since they are not directly affected by the rule; nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change, with all potentially impacted having more than 50 employees. As a result, the rule will have no effect on small business budgets for costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The most significant change in this update is the addition of more fields to allow the Department to comply with the legislative requirement of providing information for the COB. Other changes have been identified as relatively minor and necessary to ensure usefulness of the data for required reporting. These changes are part of an annual updating

process and we will continue to work with data suppliers to minimize the programming requirements. Overall cost to the health carrier industry--specifically to those currently required to comply with the Data Submittal Guide listed in Rule R428-1--will total approximately \$252,000 (18 carriers x \$14,000).

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule amendment adds new requirements to the current Data Submittal Guide enforced as of April 2015. Data submitters will need to comply with this guide by developing and implementing modest changes to their existing data systems. An increase to the submitter's budget and workload may be experienced, depending on how many modifications are needed to be made for compliance. It is estimated to cost \$11,200 to \$16,800 per data submitter to comply with changes to the guide, which may not include all necessary staff time. This range is based on an estimated amount of \$14,000 per submitter for one FTE working approximately one month per Utah DTS price guidelines.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: One of the purposes of this rule amendment is to support the statewide coordination of benefits (COB) project. The APCD data suppliers are participants in the COB project. Although there are estimated costs for each data supplier to update their technical programs of data submission, long-term benefits for the COB project participants may outweigh the initial cost of expanding data elements for the project.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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:

◆ Mike Martin by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov
◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov
◆ Stephanie Saperstein by phone at 801-538-6430, or by Internet E-mail at stephaniesaperstein@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: David Patton, PhD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.

R428-1. Health Data Plan and Incorporated Documents.

R428-1-1. Legal Authority.

This rule is promulgated in accordance with Title 26, Chapter 33a.

R428-1-2. Purpose.

This rule adopts and incorporates documents related to the collection, analysis, and dissemination of data covered in this title.

R428-1-3. Health Data Plan Adoption.

As required by Section 26-33a-104, the Health Data Committee adopts by rule the health data plan dated October 3, 1991.

R428-1-4. Incorporation by Reference.

The following documents are adopted and incorporated by reference:

(1) Utah Hospital Inpatient Discharge Data Submittal Manual, Data Element Descriptions and Definitions, Version VI, February 2014

(2) Utah Ambulatory Surgical Submittal Manual, Data Element Descriptions and Definitions, Version III, November 2009

(3) HEDIS 2012, Volume 3, Specifications for Survey Measures published by NCQA

(4) 2014: Volume 5: HEDIS Compliance Audit: Standards, Policies, and Procedures published by NCQA

(5) ~~[Technical Specifications and Data Submission Procedures for the State of Utah All Payer Database Version 1.3]~~ Utah All-Payer Claims Database Data Submission Guide Version 2.0

(6) Utah All-Payer Claims Database Data Submission Guide Version 2.[0]1

KEY: health, health policy, health planning

Date of Enactment or Last Substantive Amendment: ~~[August 5,]~~ **2014**

Notice of Continuation: November 21, 2011

Authorizing, and Implemented or Interpreted Law: 26-33a-104

**Health, Center for Health Data, Health
Care Statistics**

R428-2

**Health Data Authority Standards for
Health Data**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38910

FILED: 10/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to update language for "Data Submission Guide for Health Data" in Rule R428-2 by clarifying the effective dates for both technical documents referred to in the definition.

SUMMARY OF THE RULE OR CHANGE: The change proposes to add effective dates for documents incorporated by reference in Rule R428-1 relating to the All Payer Claims Database; specifically to clarify the Data Submittal Guide referenced in Subsection R428-1-4(5) is for data submissions required from 05/15/2014 to 03/31/2015; and the Data Submittal Guide referenced in Subsection R428-1-4(6) is for data submissions beginning 04/01/2015.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 33a

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule amendment updates the version of data submittal manual for the All Payer Claims Database. The Utah Department of Health (UDOH) determines enactment of the amended version will not create any additional cost or savings impact to the state budget or UDOH's budget, since the change will not increase workload and can be carried out with existing budget.
- ◆ **LOCAL GOVERNMENTS:** This filing does not create any direct cost or savings impact to local governments since they are not directly affected by the rule; nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
- ◆ **SMALL BUSINESSES:** None--Small businesses are not impacted by this rule change. The rule will have no effect on small business budgets for costs or savings.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Minor technical changes to Rule R428-2 will not result in costs or savings to businesses, individuals, local governments, and persons that are not small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The change clarifies one definition and updates effective dates which do not result in compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will not result in fiscal impact on data submitters because their amendments are minor technical changes.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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:

- ◆ Mike Martin by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov

- ◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov
- ◆ Stephanie Saperstein by phone at 801-538-6430, or by Internet E-mail at stephaniesaperstein@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: David Patton, PhD, Executive Director

R428. Health, Center for Health Data, Health Care Statistics.

R428-2. Health Data Authority Standards for Health Data.

R428-2-1. Legal Authority.

This rule is promulgated under authority granted by Title 26, Chapter 33a.

R428-2-2. Purpose.

This rule establishes definitions, requirements, and general guidelines relating to the collection, control, use and release of data pursuant to Title 26, Chapter 33a.

R428-2-3. Definitions.

- (1) The terms used in this rule are defined in Section 26-33a-102.
- (2) In addition, the following definitions apply to all of Title R428:
 - (a) "Adjudicated claim" means a claim submitted to a carrier for payment where the carrier has made a determination whether the services provided fall under the carrier's benefit.
 - (b) "Ambulatory surgery data" means the consolidation of complete billing, medical, and personal information describing a patient, the services received, and charges billed for a surgical or diagnostic procedure treatment in an outpatient setting into a data record.
 - (c) "Ambulatory surgical facility" is defined in Section 26-21-2.
 - (d) "Carrier" means:
 - (i) an insurer engaged in the business of health care or dental insurance in the state of Utah, as defined in Section 31A-1-301;
 - (ii) a business under an administrative services organization or administrative services contract arrangement;
 - (iii) a third party administrator, as defined in Section 31A-1-301, licensed by the state of Utah that collects premiums or settles claims of residents of the state, for health care insurance policies or health benefit plans, as defined in Section 31A-1-301;
 - (iv) a governmental plan, as defined in Section 414 (d), Internal Revenue Code, that provides health care benefits;
 - (v) a program funded or administered by Utah for the provision of health care services, including Medicaid, the Utah Children's Health Insurance Program created under Section 26-40-103, and the medical assistance programs described in Title 26, Chapter 18 or any entity under a contract with the Utah Department of Health to serve clients under such a program;

(vi) a non-electing church plan, as described in Section 410 (d), Internal Revenue Code, that provides health care benefits;

(vii) a licensed professional employer organization as defined in Section 31a-40-102 acting as an administrator of a health care insurance plan;

(viii) a health benefit plan funded by a self-insurance arrangement;

(ix) the Public Employees' Benefit and Insurance Program created in Section 49-20-103.

(e) "Claim" means a request or demand on a carrier for payment of a benefit.

(f) "Covered period" means the calendar year on which the data used for calculation of HEDIS measures is based.

(g) "Data element" means the specific information collected and recorded for the purpose of health care and health service delivery. Data elements include information to identify the individual, health care provider, data supplier, service provided, charge for service, payer source, medical diagnosis, and medical treatment.

(h) "Discharge data" means the consolidation of complete billing, medical, and personal information describing a patient, the services received, and charges billed for a single inpatient hospital stay into a discharge data record.

(i) "Electronic media" means a compact disc, digital video disc, external hard drive, or other media where data is stored in digital form.

(j) "Electronic transaction" means to submit data directly via electronic connection from a hospital or ambulatory surgery facility to the Office according to Electronic Data Interchange standards established by the American National Standards Institute's Accredited Standards Committee, known as the Health Care Transaction Set (837) ASC X 12N.

(k) "Eligible Enrollee" means an enrollee who meets the criteria outlined in the NCQA survey specifications.

(l) "Enrollee" means any individual who has entered into a contract with a carrier for health care or on whose behalf such an arrangement has been made.

(m) "Health care claims data" means information consisting of, or derived directly from, member enrollment, medical claims, and pharmacy claims that this rule requires a carrier to report.

(n) "Health Insurance" has the same meaning as found in Section 31A-1-301.

(o) "HEDIS" means the Healthcare Effectiveness Data and Information Set, a set of standardized performance measures developed by the NCQA.

(p) "HEDIS data" means the complete set of HEDIS measures calculated by the carriers according to NCQA specifications, including a set of required measures and voluntary measures defined by the department, in consultation with the carriers.

(q) "Hospital" means a facility that is licensed under Rule R432-100.

(r) "Level 1 data element" means a required reportable data element.

(s) "Level 2 data element" means a data element that is reported when the information is available from the patient's hospital record.

(t) "NCQA" means the National Committee for Quality Assurance, a not-for-profit organization committed to evaluating and reporting on the quality of managed care plans.

(u) "Office" means the Office of Health Care Statistics within the Utah Department of Health.

(v) "Order" means an action of the committee that determines the legal rights, duties, privileges, immunities, or other interests of one or more specific persons, but not a class of persons.

(w) "Patient Social Security number" is the social security number of a person receiving health care.

(x) "Performance Measure" means the quantitative, numerical measure of an aspect of the carrier, or its membership in part or in its entirety, or qualitative, descriptive information on the carrier in its entirety as described in HEDIS.

(y) "Public Use Data Set" means a data extract or a subset of a database that is deemed by the Office to not include identifiable data or where the probability of identifying individuals is minimal.

(z) "Report" means a disclosure of data or information collected or produced by the committee or Office, including but not limited to a compilation, study, or analysis designed to meet the needs of specific audiences.

(aa) "Research Data Set" means a data extract or subset of a database intended for use by investigators or researchers for bona fide research purposes that may include identifiable information or where there is more than a minimal probability that the data could be used to identify individuals.

(bb) "Record linkage number" is an irreversible, unique, encrypted number that will replace patient social security number.

(cc) "Sample file" means the data file containing records of selected eligible enrollees drawn by the survey agency from the carrier's sampling frame.

(dd) "Sampling Frame" means the carrier enrollment file as described criteria outlined by the NCQA survey specifications.

(ee) "Submission year" means the year immediately following the covered period.

(ff) "Survey agency" means an independent contractor on contract with the Office of Health Care Statistics.

(gg) "Utah Health Care Performance Measurement Plan" means the plan for data collection and public reporting of health-related measures, adopted by the Utah Health Data Committee to establish a statewide health performance reporting system.

(hh) "Uniform billing form" means the uniform billing form recommended for use by the National Uniform Billing Committee.

(ii) "Submittal Manual for Inpatient Data" means the document referenced in Subsection R428-1-4(1).

(jj) "Submittal Manual for Ambulatory Surgery Data" means the document referenced in Subsection R428-1-4(2).

(kk) "NCQA Survey Specifications" means the document referenced in Subsection R428-1-4(3)

(ll) "NCQA HEDIS Specifications" means the document referenced in Subsection R428-1-4(4)

(mm) "Data Submission Guide for Claims Data" means the document referenced in Subsection R428-1-4(5) for data submissions required ~~from~~ from May 15, 2014 ~~to~~ to March 31, 2015 and the document referenced in Subsection R428-1-4(6) for data submissions beginning ~~May 15~~ April 1, 2014~~5~~.

R428-2-4. Technical Assistance.

The Office may provide technical assistance or consultation to a data supplier upon request and resource availability. The consultation shall be to enable a data supplier to submit required data according to Title R428.

R428-2-5. Data Classification and Access.

(1) Data collected by the committee are not public, and as such are exempt from the classification and release requirements specified in Title 63g, Chapter 2, Government Records Access and Management Act.

(2) Any person having access to data collected or produced by the committee or the Office under Title 26, Chapter 33a shall not:

(a) take any action that might provide information to any unauthorized individual or agency;

(b) scan, copy, remove, or review any information to which specific authorization has not been granted;

(c) discuss information with unauthorized persons which could lead to identification of individuals;

(d) give access to any information by sharing passwords or file access codes.

(3) Any person having access to data collected or produced by the committee or the Office under Title 26, Chapter 33a shall:

(a) maintain the data in a safe manner which restricts unauthorized access;

(b) limit use of the data to the purposes for which access is authorized;

(c) report immediately any unauthorized access to the Office or its designated security officer.

(4) A failure to report known violations by others is subject to the same punishment as a personal violation.

(5) The Office shall deny a person access to the facilities, services and data as a consequence of any violation of the responsibilities specified in this section.

R428-2-6. Editing and Validation.

(1) Each data supplier shall review each required record prior to submission. The review shall consist of checks for accuracy, consistency, completeness, and conformity.

(2) The Office may subject submitted data to edit checks. The Office may require the data supplier to correct data failing an edit check as follows:

(a) The Office may, by first class U.S. mail or email, inform the submitting data supplier of any data failing an edit check.

(b) The submitting data supplier shall make necessary corrections and resubmit all corrected data to the Office within 10 business days of the date the Office notified the supplier.

R428-2-7. Error Rates.

The committee may establish and order reporting quality standards based on non-reporting or edit failure rates.

R428-2-8. Data Disclosure.

(1) The committee may disclose data received from data suppliers or data or information derived from this data as specified in Title 26, Chapter 33a.

(2) The Office may prepare reports relating to health care cost, quality, access, health promotion programs, or public health. These actions may be to meet legislative intent or upon request from individuals, government agencies, or private organizations. The Office may create reports in a variety of formats including print or electronic documents, searchable databases, web-sites, or other user-oriented methods for displaying information.

(3) Unless otherwise specified by the committee, the time period for data suppliers and health care providers to prepare a

response as required in Subsections 26-33a-107(1) and 26-33a-107(3) shall be 15 business days. If a data supplier fails to respond in the specified time frame, the committee may conclude that the information is correct and suitable for release.

(4) The committee may note in a report that accurate appraisal of a certain category or entity cannot be presented because of a failure to comply with the committee's request for data, edit corrections, or data validation.

(5) The Office may release to the data supplier or its designee any data elements provided by the supplier without notification when a data supplier requests the data be so supplied.

(6) The committee may disclose data in computer readable formats.

(7) The Director of the Office may approve the disclosure of a public use data set upon receipt of a written request that includes the following:

(a) the name, address, e-mail and telephone number of the requester;

(b) a statement of the purpose for which the data will be used;

(c) agreement to other terms and conditions as deemed necessary by the Office.

(8) The committee may approve the release of a research data set to an institution, association or organization for bona fide research of health care cost, quality, access, health promotion programs, or public health issues. The requester must provide:

(a) the name, address, e-mail and telephone number of the requester and for each person who will have access to the research data set;

(b) a statement of the purpose for which the research data set will be used;

(c) the starting and ending dates for which the research data set is requested;

(d) an explanation of why a public use data set could not be used for to accomplish the stated research purposes, including a separate justification for each element containing identified data requested;

(e) evidence of the integrity and ability to safeguard the data from any breach of confidentiality;

(f) evidence of competency to effectively use the data in the manner proposed;

(g) a satisfactory review from an Office-approved institutional review board;

(h) a guarantee that no further disclosure will occur without prior approval of the Office;

(i) a signed agreement to comply with other terms and conditions as stipulated by the committee.

R428-2-9. Penalties.

(1) The Office, in cooperation with the committee, may apply civil penalties or subject violators to legal prosecution.

(2) Sections 26-23-6 and 26-33a-110 specify civil and criminal penalties for failure to comply with the requirements of Title R428 or Title 26, Chapter 33a.

(3) Notwithstanding Subsection R428-2-9(2), any person that violates any provision of Title R428 may be assessed an administrative civil money penalty not to exceed \$3,000 upon an administrative finding of a first violation and up to \$5,000 for a subsequent similar violation within two years. A person may also be

subject to penalties imposed by a civil or criminal court, which may not exceed \$5,000 or a class B misdemeanor for the first violation and a class A misdemeanor for any subsequent similar violation within two years.

(4) Notwithstanding Subsection R428-2-9(2), a carrier that violates any provision of Title R428 may be assessed an administrative civil money penalty for each day of non-compliance. Fines may be imposed as follows:

- (a) Not to exceed the sum of \$10,000 per violation
- (b) Each day of violation is a separate violation.

R428-2-10. Exemptions and Extensions.

(1) The committee may grant exemptions or extensions from reporting requirements in Title R428 to data suppliers under certain circumstances.

(2) The committee may grant an exemption to a data supplier when the supplier demonstrates that compliance imposes an unreasonable cost.

(a) A data supplier may request an exemption from any particular requirement or set of requirements of Title R428. The data supplier must submit a request for exemption no less than 30 calendar days before the date the supplier would have to comply with the requirement.

(b) The committee may grant an exemption for a maximum of one calendar year. A data supplier wishing an additional exemption must submit an additional, separate request.

(3) The committee may grant an extension to a data supplier when the supplier demonstrates that technical or unforeseen difficulties prevent compliance.

(a) A data supplier may request an extension for any deadline required in Title R428. For each deadline for which the carrier requests an extension, the carrier must submit its request no less than 15 calendar days before the deadline in question.

(b) The committee may grant an extension for a maximum of 30 calendar days. A data supplier wishing an additional extension must submit an additional, separate request.

(4) The supplier requesting an extension or exemption shall include:

- (a) The data supplier's name, mailing address, telephone number, and contact person;
 - (b) the dates the exemption or extension is to start and end;
 - (c) a description of the relief sought, including reference to specific sections or language of the requirement;
 - (d) a statement of facts, reasons, or legal authority in support of the request; and
 - (e) a proposed alternative to the requirement or deadline.
- (5) A carrier that covers fewer than 2,500 individual Utah residents is exempt from all requirements of this title.

R428-2-11. Contractor Liability.

(1) A data supplier may contract with another entity to submit required data elements on their behalf under Title R428. In such cases, the data supplier must notify the Office of the identity and contact information of the contractor.

(2) Regardless of the existence of a contractor, the responsibility for complying with all requirements of Title R428 remains solely with the data supplier.

KEY: health, health policy, health planning

Date of Enactment or Last Substantive Amendment: [August 5,] 2014

Notice of Continuation: November 30, 2011

Authorizing, and Implemented or Interpreted Law: 26-33a-104

Human Services, Administration, Administrative Services, Licensing **R501-18** Recovery Residence Services

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38911

FILED: 10/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to implement Human Services rules for recovery residences as a result of the passing of H.B. 211 (2014 General Legislative Session). The new Rule R501-18 will establish basic health and safety standards for recovery residences.

SUMMARY OF THE RULE OR CHANGE: This rule establishes basic health, safety, and administration standards for recovery residences; procedures and standards for permitting a recovery residence to provide services to clients. In addition, the rule establishes and defines specific provisions regarding bathrooms, bedrooms, dining space, and staff training.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-101 and Section 62A-2-106

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings; it will have no impact on state government and will not affect the budget. Current workload will be unaffected by these new rules and implementation. Fees paid by the licensee and designated by the legislature will cover state efforts to provide this new license. H.B. 211 (2014) requires the fee to cover the Office of Licensing's costs.

◆ **LOCAL GOVERNMENTS:** This rule establishes requirements and regulations for recovery residences. It will have minimal impact on local government(s) and will not affect the budget. Local government(s) may in some cases need to provide business licenses, and health/fire inspections, however, this impact will be covered by their local requirements and protocols. It may even increase their revenue depending on their fee structure.

◆ **SMALL BUSINESSES:** The fee associated with this rule will impact the organizations applying for the new recovery

residence license. However, this fee is legislatively mandated as part of the cost of providing the recovery residence service.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule establishes requirements and regulations for recovery residences. It will have minimal impact on other persons or entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs will be limited to recovery residence programs with the fees of \$1,295 for the license. Other costs incurred are related to doing business in this area. Requirements for this new license are comparable to that of other similar licenses. A public meeting to discuss fees was held on 07/21/2014. Two attendees from one provider were present. No objections to the fees were raised.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact on business will be minimal. The compliance costs of \$1,295 will be limited to recovery residence programs choosing to procure licenses in this area. Other costs incurred are related to doing business in the treatment industry. In addition to the cost incurred for the license, other costs incurred are largely related to ensuring compliance with basic health and safety standards.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 ADMINISTRATION, ADMINISTRATIVE SERVICES,
 LICENSING
 195 N 1950 W 1ST FLR
 SALT LAKE CITY, UT 84116
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov
 ◆ John Ortiz by phone at 801-374-7672, by FAX at 801-538-4553, or by Internet E-mail at jortiz@utah.gov
 ◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at hjones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: Diane Moore, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-18. Recovery Residence Services.

R501-18-1. Authority.

This Rule is authorized by Section 62A-2-101 et seq.

R501-18-2. Purpose.

This rule establishes:

- (1) basic health and safety standards for recovery residences; and
- (2) minimum administration and financial requirements.

R501-18-3. Definitions.

- (1) "Recovery residence" is as defined in Subsection 62A-2-101(22).
- (2) "SUD" means Substance Use Disorder.

R501-18-4. Legal Requirements.

- (1) A recovery residence shall comply with this R501-18 and:
 - (a) R501-1, General Provisions;
 - (b) R501-2, Core Rules;
 - (c) all applicable local, state, and federal laws.
- (2) Prior to offering any residential treatment services, a recovery residence shall comply with R501-19 and obtain a residential treatment license.
- (3) A recovery residence shall comply with the Americans with Disabilities Act.
- (4) A recovery residence shall only serve adults.

R501-18-5. Administration.

- (1) The recovery residence shall ensure that clients receive supportive services from a person associated with the licensee or from a licensed professional. Supportive services include but are not limited to:
 - (a) vocational services;
 - (b) peer support;
 - (c) skills training;
 - (d) community resource referral.
- (2) A list of current clients shall be maintained on-site at all times and available to the Department of Human Services Office of Licensing upon request.

R501-18-6. Staffing.

- (1) The recovery residence shall have an identified recovery residence director(s) who shall have at least one of the following:
 - (a) a minimum of two years of documented administrative experience in recovery residence;
 - (b) a minimum of two years documented substance use disorder treatment;
 - (c) a minimum of two year documented recovery support services; or
 - (d) minimum Utah licensure as a substance use disorder counselor, licensed clinical social worker or equivalent.
- (2) The director's responsibilities that shall not be delegated include:
 - (a) policy and procedure implementation and oversight;
 - (b) quality assurance plan implementation and oversight;
 - (c) training curriculum;
 - (d) supervision of staff;
 - (e) oversight of client activities;
 - (f) ensure continual compliance with local, state and federal laws;

(g) notify the Office of Licensing 30 days prior to changes in program administration or purpose;

(h) ensure that the program is fiscally sound;

(i) ensure program maintains the staffing ratios outlined in program policy and procedure;

(j) ensure that the program has general liability insurance, professional liability insurance, vehicle insurance, and fire insurance; and

(k) monitoring all aspects of the program as outlined in the quality assurance plan.

(2) The recovery residence director may employ a manager, who may be a client, to work under the supervision of the director. The manager may be responsible for the day-to-day staff, volunteer, and client supervision and operation of the facility. The responsibilities of the manager shall be clearly defined in the recovery residence policies and procedures. Whenever the manager is on leave (vacation, sick, etc.), the director shall designate a substitute to assume managerial responsibility. The recovery residence director, whether physically present or not, shares responsibility for the acts and omissions of the manager.

(3) The recovery residence shall provide each director, recovery residence manager, substitute, and staff, including clients serving in those capacities, with a minimum of:

(a) 40 hours of training completed prior to working with clients. Training topics shall include: SUD curriculum, peer support, emergency overdose response, recognition of and response to drug-related activities, and certified first aid and CPR;

(b) training prior to working with clients that includes, but is not limited to: how to comply with Core and Recovery Residence Rules, program policies and procedures, ethics, conflicts of interest, and case management;

(c) ongoing training to maintain proficiency in the above topics.

(4) A recovery residence with 6 or fewer licensed client capacity:

(a) shall have a recovery residence manager(s), who may be a client, and substitute(s), who may be a client, approved in writing by the recovery residence director;

(b) shall have a residence director, manager or substitute on-site a minimum of 5 days per week in order to assess safety and support clients. These visits shall be scheduled and documented;

(c) shall have a residence director, manager or substitute have daily client contact with each admitted client. These contacts shall be documented;

(d) the recovery residence director shall ensure that the recovery residence director or a manager, substitute, or staff maintains on-call availability at all times and remains able to respond to the recovery residence and the Office of Licensing immediately by phone, and remains able to respond in person at the recovery residence within one hour.

(5) A recovery residence with 7 or more licensed client capacity:

(a) shall have a recovery residence manager(s), who may not be a client, and substitute(s), who may not be a client, approved in writing by the recovery residence director;

(b) shall have a residence director, manager or substitute on-site a minimum of 7 days per week in order to assess safety and support clients. These visits shall be scheduled and documented;

(c) shall have a residence director, manager or substitute have daily client contact with each admitted client. These contacts shall be documented;

(d) the recovery residence director shall ensure that the recovery residence director or a manager, substitute, or staff maintains on-call availability at all times, and remains able to respond to the recovery residence and the Office of Licensing immediately by phone, and remains able to respond in person at the recovery residence within one hour.

(6) The recovery residence shall determine and comply with a written policy which clearly defines the minimum staff-to-client ratios and levels of supervision of clients by the person(s) associated with the licensee.

(7) The recovery residence shall have a written:

(a) emergency plan posted and available to clients;

(b) grievance procedure posted and available to clients.

(8) A recovery residence which utilizes non-client volunteers shall provide training and evaluation of non-client volunteers. Non-client volunteers providing care without paid staff present shall have direct communication access to the recovery residence manager or recovery residence director at all times. Non-client volunteers shall be trained in recovery residence policies and procedures, objectives, and scope of service. All volunteers will be supervised by the recovery residence director who is responsible for their conduct.

(9) Professional Staff shall include the following individuals who are either employed, under contract or are otherwise available for referral to the clients of the recovery residence:

(a) a licensed physician; and/or

(b) a licensed psychiatrist; and/or

(c) a licensed mental health therapist; and/or

(d) a licensed substance use disorder counselor (SUDC).

R501-18-7. Direct Service.

(1) This subsection supersedes Core Rules, Section R501-2-5. The recovery residence client records shall contain the following:

(a) name, address, telephone number, email;

(b) admission date;

(c) emergency contact information with names, address, email, and telephone numbers;

(d) an intake application and assessment indicating that the client meets the admission criteria;

(e) individual recovery plan, including the signature and title of the persons preparing the recovery plan and the signature of the client;

(f) documentation of services provided, including the signature and title of the persons providing recovery residence services;

(g) documentation of supportive services not directly associated with the recovery residence;

(h) the signed written lease agreement for the recovery residence;

(i) signed crisis intervention reports;

(j) the recovery residence's client recovery plan shall offer and document individualized and supportive services;

(k) treatment is not a required component of a recovery residence. However, off-site treatment referrals shall be made available upon request. On-site treatment and other services must first be licensed in accordance with applicable Office of Licensing categorical rules;

(l) clients will be notified prior to admission regarding their responsibilities related to the transportation and location of off-site services.

R501-18-8. Physical Environment.

(1) The recovery residence shall provide written documentation of compliance with the following:

(a) local zoning ordinances;

(b) local business license requirements;

(c) local building codes;

(d) local fire safety regulations;

(e) local health codes; and

(f) local approval from the appropriate government agency for new program services or increased client capacity.

(2) Building and Grounds:

(a) the recovery residence shall ensure that the appearance, safety and cleanliness of the building and grounds are maintained.

R501-18-9. Physical Facility.

(1) Live-in staff, who may be a client, shall have a separate sleeping area with a private bathroom.

(2) The recovery residence shall have a designated secure location that serves as an administrative office for records, secretarial work, and bookkeeping if such work is done onsite.

(3) Bathrooms:

(a) the recovery residence shall have locking bathrooms. Clients shall have access to a toilet, lavatory sink, and a tub or shower. These shall be maintained in good operating order and in a clean and safe condition;

(b) client to bathroom ratios shall comply with the residential international building code, as administered by the local government authority;

(c) each bathroom shall be maintained in good operating order;

(d) there shall be mirrors secured to the walls at convenient heights;

(e) each bathroom shall be ventilated by mechanical means or equipped with a screened window that opens;

(f) clients will be notified prior to admission regarding their responsibilities related to the provision of toiletries.

(4) Sleeping Accommodations:

(a) a minimum of 60 square feet per client shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted;

(b) sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens;

(c) each bed, none of which shall be portable, shall be solidly constructed;

(d) sleeping quarters serving male and female clients shall be structurally separated and have locking bedroom doors;

(e) clients shall be allowed to decorate and personalize bedrooms with respect for other clients and property;

(f) a bedroom on the ground floor shall have a minimum of one window that may be used to evacuate the room in case of fire;

(g) a bedroom that is not on the ground floor (this includes basements) shall have a minimum of two exits, at least one of which shall exit directly to outside the building that may be used to evacuate the room in case of fire;

(h) furniture and residence equipment shall be of sufficient quantity and quality to meet recovery residence and client needs;

(i) all furniture and residence equipment shall be maintained in a clean and safe condition;

(j) clients will be notified prior to admission regarding their responsibilities related to the provision of bedding and linens.

(5) Weapons Safety:

(a) all facilities shall have and comply with a written weapons policy.

(6) Laundry Service:

(a) recovery residences shall provide either equipment or reasonable access to equipment for washing and drying of linens and clothing;

(b) laundry appliances shall be maintained in good operating order and in a clean and safe condition.

R501-18-10. Food Service.

(1) Meals may be prepared by staff or clients at the recovery residence or meals may be catered.

(2) If the recovery residence provides food for clients, it shall comply with food service requirements as follows:

(a) current weekly menu shall be posted in the kitchen and the office;

(b) the staff or clients responsible for food service shall maintain a current list of clients with special nutritional needs, shall provide food that meets those needs, and record in the client's service record information relating to special nutritional needs.

(3) The recovery residence shall have one or more kitchens, which shall have clean and safe operational equipment in sufficient quantity for the preparation, storage, serving, and clean-up of all meals.

(4) The recovery residence shall have dining space/s large enough to provide seating for all clients. The dining space shall be maintained in a clean and safe condition.

(5) When meals consumed by clients are prepared by staff or other clients, the recovery residence shall have and comply with a written policy that complies with all minimum requirements of the local Health Department.

(6) Clients will be notified prior to admission regarding their responsibilities related to the provision or preparation of food.

R501-18-11. Medical Standards.

(1) The recovery residence shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

(2) Before admission, clients shall be screened for Tuberculosis by a questionnaire approved by the local health department.

(3) All clients and staff shall provide current proof of negative test results for Tuberculosis and shall be tested annually or more frequently when directed by the local health department.

(4) A recovery residence that manages clients' medications shall keep all prescription and non-prescription medications in locked storage that is not accessible by clients when not in active use.

(5) Each recovery residence shall have and comply with a written policy and procedure regarding the safe storage and disposal of medications.

(6) A recovery residence shall ensure that clients who manage their own medications keep all prescription and non-prescription medications in locked storage when not in active use, using individual locked storage that is not accessible by any client other than the client who owns the medication. Clients will be notified prior to admission regarding their responsibilities related to the provision of locked storage for personal medications.

(7) Non-prescription medications shall be stored in their original manufacturer's packaging together with manufacturer's directions and warnings.

(8) Prescription medications shall be stored in their original pharmacy packaging together with the pharmacy label, directions and warnings.

R501-18-12. Hazardous Chemicals and Materials.

(1) The recovery residence shall provide safe storage for hazardous chemicals, materials, and aerosols, including but not limited to poisonous substances, explosive or flammable substances, bleach, and cleaning supplies. The recovery residence shall maintain hazardous chemicals, materials, and aerosols in their original packaging and follow the manufacturer's instructions printed on the label.

KEY: licensing, human services, recovery residence

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 62A-2-101; 62A-2-106

Natural Resources, Wildlife Resources
R657-13
Taking Fish and Crayfish

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38906

FILED: 10/14/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) fish and crayfish management program.

SUMMARY OF THE RULE OR CHANGE: This rule revision modifies the definition of "permanent residence" to allow for an at-home possession limit to be altered; it also provides language to allow for the use of crossbows and adds dead striped bass as a bait to be used in Lake Powell only.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: This amendment allows Utah anglers to hold processed or frozen fish at their homes without it being included in their possession limit, it also adds crossbows as a legal angling method and allows for the use of dead striped bass as bait at Lake Powell. DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

♦ LOCAL GOVERNMENTS: Since this amendment only adds opportunity to anglers this should have little to no effect on local governments. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

♦ SMALL BUSINESSES: This amendment provides additional opportunity to anglers, therefore, this rule does not impose any additional financial requirements on small businesses, nor generate a cost or savings impact to small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This amendment provides additional opportunity to anglers, therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments do not create a cost or savings impact to individuals who participate in fishing in Utah because it provides additional opportunity to anglers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

NATURAL RESOURCES

WILDLIFE RESOURCES

1594 W NORTH TEMPLE

SALT LAKE CITY, UT 84116-3154

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.**R657-13. Taking Fish and Crayfish.****R657-13-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule for taking fish and crayfish.

(2) Specific dates, areas, methods of take, requirements and other administrative details which may change annually and are pertinent are published in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Aggregate" means the combined total of two or more species of fish or two or more size classes of fish which are covered by a limit distinction.

(b) "Angling" means fishing with a rod, pole, tipup, handline, or trollboard that has a single line with legal hooks, baits, or lures attached to it, and is held in the hands of, or within sight (not to exceed 100 feet) of, the person fishing.

(c)(i) "Artificial fly" means a fly made by the method known as fly tying.

(ii) "Artificial fly" does not mean a weighted jig, lure, spinner, attractor blade, or bait.

(d) "Artificial lure" means a device made of rubber, wood, metal, glass, fiber, feathers, hair, or plastic with a hook or hooks attached. Artificial lures, including artificial flies, do not include fish eggs or other chemically treated or processed natural baits or any natural or human-made food, or any lures that have been treated with a natural or artificial fish attractant or feeding stimulant.

(e) "Daily limit" means the maximum limit, in number or amount, of protected aquatic wildlife that one person may legally take during one day.

(f) "Bait" means a digestible substance, including worms, cheese, salmon eggs, marshmallows, or manufactured baits including human-made items that are chemically treated with food stuffs, chemical fish attractants or feeding stimulants.

(g) "Camp" means, for the purposes of this rule, any place providing temporary overnight accommodation for anglers including a camper, campground, tent, trailer, cabin, houseboat, boat, or hotel.

(h) "Chumming" means dislodging or depositing in the water any substance not attached to a hook, line, or trap, which may attract fish.

(i) "Commercially prepared and chemically treated baitfish" means any fish species or fish parts which have been processed using a chemical or physical preservation technique other than freezing including irradiation, salting, cooking, or oiling and are marketed, sold or traded for financial gain as bait.

(j) "Dipnet" means a small bag net with a handle that is used to scoop fish or crayfish from the water.

(k) "Filleting" means the processing of fish for human consumption typically done by cutting away flesh from bones, skin, and body.

(l) "Fishing contest" means any organized event or gathering where anglers are awarded prizes, points or money for their catch.

(m) "Float tube" means an inflatable floating device less than 48 inches in any dimension, capable of supporting one person.

(n) "Free Shafting" means to release a pointed shaft that is not tethered or attached by physical means to the diver in an attempt to take fish while engaged in underwater spearfishing.

(o) "Gaff" means a spear or hook, with or without a handle, used for holding or lifting fish.

(p) "Game fish" means Bonneville cisco; bluegill; bullhead; channel catfish; crappie; green sunfish; largemouth bass; northern pike; Sacramento perch; smallmouth bass; striped bass; trout (rainbow, albino, cutthroat, brown, golden, brook, lake/mackinaw, kokanee salmon, and grayling or any hybrid of the foregoing); tiger muskellunge; walleye; white bass; whitefish; wiper; and yellow perch.

(q) "Handline" means a piece of line held in the hand and not attached to a pole used for taking fish or crayfish.

(r) "Immediately Released" means that the fish should be quickly unhooked and released back into the water where caught. Fish that must be immediately released cannot be held on a stringer, or in a live well or any other container or restraining device.

(s) "Lake" means the standing water level existing at any time within a lake basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the lake.

(t) "Length measurement" means the greatest length between the tip of the head or snout and the tip of the caudal (tail) fin when the fin rays are squeezed together. Measurement is taken in a straight line and not over the curve of the body.

(u) "Liftnet" means a small net that is drawn vertically through the water column to take fish or crayfish.

(v) "Motor" means an electric or internal combustion engine.

(w) "Nongame fish" means species of fish not listed as game fish.

(x) "Permanent residence" means, for the purposes of this rule only, the domicile an individual claims pursuant to Utah Code 23-13-2(13).

(y) "Possession limit" means, for purposes of this rule only, two daily limits, including fish[-at home;] in a cooler, camper, tent, freezer, livewell or any other place of storage, excluding fish stored in an individual's permanent residence.

([y]z) "Protected aquatic wildlife" means, for purposes of this rule only, all species of fish, crustaceans, or amphibians.

([z]aa) "Reservoir" means the standing water level existing at any time within a reservoir basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the reservoir.

([aa]bb) "Seine" means a small mesh net with a weighted line on the bottom and float line on the top that is drawn through the water. This type of net is used to enclose fish when its ends are brought together.

([bb]cc) "Setline" means a line anchored to a non-moving object and not attached to a fishing pole.

([ee]dd) "Single hook" means a hook or multiple hooks having a common shank.

([dd]ee) "Snagging" or "gaffing" means to take a fish in a manner that the fish does not take the hook voluntarily into its mouth.

([ee]ff) "Spear" means a long-shafted, sharply pointed, hand held instrument with or without barbs used to spear fish from above the surface of the water.

([ff]gg) "Tributary" means a stream flowing into a larger stream, lake, or reservoir.

([gg]hh)(i) "Trout" means species of the family Salmonidae, including rainbow, albino, cutthroat, brown, golden, brook, tiger, lake (mackinaw), splake, kokanee salmon, and grayling or any hybrid of the foregoing.

(ii) "Trout" does not include whitefish or Bonneville cisco.

(ii) "Underwater spearfishing" means fishing by a person swimming, snorkeling, or diving and using a mechanical device held in the hand, which uses a rubber band, spring, pneumatic power, or other device to propel a pointed shaft to take fish from under the surface of the water.

R657-13-9. Underwater Spearfishing.

(1) A person possessing a valid Utah fishing or combination license may engage in underwater spearfishing, only as provided in this Section.

(2) The following waters are open to underwater spearfishing from January 1 through December 31 for all species of game fish, unless specified otherwise by individual water:

(a) Big Sand Wash Reservoir (Duchesne County);

(b) Brown's Draw Reservoir (Duchesne County);

(c) Causey Reservoir (Weber County);

(d) Deer Creek Reservoir (Wasatch County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(e) East Canyon Reservoir (Morgan County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(f) Echo Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(g) Electric Lake (Emery County);

(h) Fish Lake (Sevier County), except underwater spearfishing for any game fish is closed from September 16 to the first Saturday in June the following year;

(i) Flaming Gorge Reservoir (Daggett County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(j) Grantsville Reservoir (Tooele County);

(k) Ken's Lake (San Juan County);

(l) Lake Powell (Garfield, Kane and San Juan Counties), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(m) Newcastle Reservoir (Iron County), except underwater spearfishing is closed for all species of game fish other than wipers and rainbow trout;

(n) Pineview Reservoir (Weber County), except underwater spearfishing is closed for:

(i) largemouth and small mouth bass from April 1 through the fourth Saturday in June; and

(ii) tiger musky year round.

(o) Porcupine Reservoir (Cache County);

(p) Recapture Reservoir (San Juan County);

(q) Red Fleet Reservoir (Uintah County);

(r) Rockport Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(s) Sand Lake (Uintah County);

(t) Smith-Moorehouse Reservoir (Summit County);

(u) Starvation Reservoir (Duchesne County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(v) Steinaker Reservoir (Uintah County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;

(w) Willard Bay Reservoir (Box Elder County); and

(x) Yuba Reservoir (Juab and Sanpete Counties).

(3) Nongame fish, excluding prohibited species listed in Section R657-13-13, may be taken by underwater spearfishing:

(a) in the waters listed in Subsection (2) and at Blue Lake (Tooele County) for tilapia and pacu only; and

(b) during the open angling season set for a given body of water.

(4) The waters listed in Subsections (2) and (3)(a) are the only waters open to underwater spearfishing for game or nongame fish, except carp may be taken by means of underwater spearfishing from any water open to angling during the open angling season set for a given body of water.

(5)(a) Underwater spearfishing is permitted from official sunrise to official sunset only, except burbot may be taken by underwater spearfishing at Flaming Gorge Reservoir (Daggett County) between official sunset and official sunrise.

(b) No other species of fish may be taken with underwater spearfishing techniques at Flaming Gorge Reservoir or any other water in the state between official sunset and official sunrise.

(6)(a) Use of artificial light is unlawful while engaged in underwater spearfishing, except artificial light may be used when underwater spearfishing for burbot at Flaming Gorge Reservoir (Daggett County).

(b) Artificial light may not be used when underwater spearfishing for fish species other than burbot at Flaming Gorge Reservoir.

(7) Free shafting is prohibited while engaged in underwater spearfishing.

(8) The daily limit and possession limit for underwater spearfishing is the same as the daily limit and possession limit applied to anglers using other techniques in the waters listed in Subsections (2) and (3)(a), and as identified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.

R657-13-11. Restrictions on Taking Fish and Crayfish.

(1) Artificial light is permitted while angling, except when underwater spearfishing. However artificial light is permitted while underwater spearfishing for burbot in Flaming Gorge or while [~~bow~~]fishing for carp with a bow, crossbow, or spear statewide.

(2) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, crossbow, firearm, pellet gun, or archery equipment to take fish or crayfish, except as provided in Subsection R657-13-14(2) and Section R657-13-20.

(3)(a) A person may not possess a gaff while angling, or take protected aquatic wildlife by snagging or gaffing, except:

(i) a gaff may be used at Lake Powell to land striped bass; and

(ii) snagging may be used at Bear Lake to take Bonneville cisco.

(b) Except as provided in Subsection (3)(a)(ii) and Section R657-13-21, a fish hooked anywhere other than the mouth must be immediately released.

(4) Chumming is prohibited on all waters, except as provided in Section R657-13-20.

(5) The use of a float tube or a boat, with or without a motor, to take protected aquatic wildlife is permitted on many public waters. However, boaters should be aware that other agencies may have additional restrictions on the use of float tubes, boats, or boats with motors on some waters.

(6) Nongame fish and crayfish may be taken only as provided in Sections R657-13-14 and R657-13-15.

R657-13-12. Bait.

(1) Use or possession of corn, hominy, or live baitfish while fishing is unlawful.

(2) Use or possession of tiger salamanders (live or dead) while fishing is unlawful.

(3) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.

(4) Use or possession of artificial baits which are commercially imbedded or covered with fish or fish parts while fishing is unlawful.

(5) Use or possession of bait in the form of fresh or frozen fish or fish parts while fishing is unlawful, except as provided below and in Subsections (7) and (8).

(a) Dead Bonneville cisco may be used as bait only in Bear Lake.

(b) Dead yellow perch may be used as bait only in: Deer Creek, Echo, Fish Lake, Gunnison, Hyrum, Johnson, Jordanelle, Mantua, Mill Meadow, Newton, Pineview, Rockport, Starvation, Utah Lake, Willard Bay and Yuba reservoirs.

(c) Dead white bass may be used as bait only in Utah Lake and the Jordan River.

(d) Dead shad, from Lake Powell, may be used as bait only in Lake Powell. Dead shad must not be removed from the Glen Canyon National Recreation Area.

(e) Dead striped bass, from Lake Powell, may be used as bait only in Lake Powell.

~~(e)~~(f) Dead fresh or frozen salt water species including sardines and anchovies may be used as bait in any water where bait is permitted.

(f)g Dead mountain sucker, white sucker, Utah sucker, reidside shiner, speckled dace, mottled sculpin, fat head minnow, Utah chub, and common carp may be used as bait in any water where bait is permitted.

(6) Commercially prepared and chemically treated baitfish or their parts may be used as bait in any water where bait is permitted.

(7) The eggs of any species of fish caught in Utah, except prohibited fish, may be used in any water where bait is permitted. However, eggs may not be taken or used from fish that are being released.

(8) Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.

(9) Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.

(10) On any water declared infested by the Wildlife Board with an aquatic invasive species, or that is subject to a closure order or control plan under R657-60, it shall be unlawful to transport any species of baitfish (live or dead) from the infested water for use as bait in any other water of the State. Baitfish are defined as those species listed in sections (5)(b), (5)(c), (5)(f) and (8).

R657-13-14. Taking Nongame Fish.

(1)(a) As provided in this Section, a person possessing a valid Utah fishing or combination license may take nongame fish for personal, noncommercial purposes during the open fishing season set for the given body of water.

(b) A person may not take any species of fish designated as prohibited in Section R657-13-13.

(2)(a) Except as provided in Subsection (2)(b), nongame fish may be taken by angling, traps, bow and arrow, liftnets, dipnets, cast nets, seine, or spear in any water of the state with an open fishing season.

(b) Nongame fish may not be taken in the following waters, except carp may be taken by angling, archery, crossbow, spear, or underwater spearfishing statewide:

(i) San Juan River;

(ii) Colorado River;

(iii) Green River (from confluence with Colorado River upstream to Colorado state line in Dinosaur National Monument);

(iv) Green River (from Colorado state line in Brown's Park upstream to Flaming Gorge Dam, including Gorge Creek, a tributary entering the Green River at Little Hole);

(v) White River (Uintah County);

- (vi) Duchesne River (from Myton to confluence with Green River);
- (vii) Virgin River (Main stem, North, and East Forks).
- (viii) Ash Creek;
- (ix) Beaver Dam Wash;
- (x) Fort Pierce Wash;
- (xi) La Verkin Creek;
- (xii) Santa Clara River (Pine Valley Reservoir downstream to the confluence with the Virgin River);
- (xiii) Diamond Fork;
- (xiv) Thistle Creek;
- (xv) Main Canyon Creek (tributary to Wallsburg Creek);
- (xvi) Provo River (below Deer Creek Dam);
- (xvii) Spanish Fork River;
- (xviii) Hobbie Creek (Utah County);
- (xix) Snake Valley waters (west and north of US-6 and that part of US-6 and US-50 in Millard and Juab counties);
- (xx) Raft River (from the Idaho state line, including all tributaries);
- (xxi) Weber River; and
- (xxii) Yellow Creek.

(c) Nongame fish, may be taken by underwater spearfishing in the waters and under the conditions specified in Section R657-13-9.

(3) Seines shall not exceed 10 feet in length or width.

(4) Cast nets must not exceed 10 feet in diameter.

(5) Except as provided in Section R657-13-21, lawfully taken nongame fish shall be either released or killed immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.

R657-13-16. Possession and Transportation of Dead Fish and Crayfish.

(1)(a) At all waters except Strawberry Reservoir, Scofield Reservoir, Panguitch Lake, Jordanelle Reservoir and Lake Powell, game fish may be dressed, filleted, have heads and/or tails removed, or otherwise be physically altered after completing the act of fishing or reaching a fish cleaning station, camp, or principal means of land transportation. It is unlawful to possess fish while engaged in the act of fishing that have been dressed or filleted. This shall not apply to fish that are processed for immediate consumption or to fish held from a previous day's catch.

(b) Trout and/or salmon taken at Strawberry Reservoir, Scofield Reservoir and Panguitch Lake, and smallmouth bass taken at Jordanelle may not be filleted and the heads or tails may not be removed in the field or in transit.

(c) Fish may be filleted at any time and anglers may possess filleted fish at any time at Lake Powell.

(2) A legal limit of game fish or crayfish may accompany the holder of a valid fishing or combination license within Utah or when leaving Utah.

(3) A person may possess or transport a legal limit of game fish or crayfish for another person when accompanied by a donation letter.

(4)(a) A person may not :

(i) take more than one daily limit of game fish in any one day; or;

(ii) possess more than one daily limit of each species or species aggregate, unless the additional fish are:

(A) from a previous days catch;

(B) eviscerated; and

(C) within the possession limit for each species or species aggregate.

(b) Fish kept at the angler's permanent residence do not count towards an angler's possession limit for that species or species aggregate.

(c) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous days catch.

(5) A person may possess or transport dead fish on a receipt from a registered commercial fee fishing installation, a private pond owner, or a short-term fishing event. This receipt shall specify:

(a) the number and species of fish;

(b) date caught;

(c) the certificate of registration number of the installation, pond, or short-term fishing event; and

(d) the name, address, telephone number of the seller.

R657-13-21. Catch-and-Kill Regulations.

(1) The Wildlife Board may designate in proclamation and guidebook waters where anglers are required to kill specified aquatic animal species that are caught.

(2) A person shall immediately kill any aquatic animal caught in a water identified by the Wildlife Board in proclamation or guidebook as catch-and-kill for that species.

(a) An aquatic animal killed subject to a catch-and-kill regulation may be:

(i) retained and consumed by the angler; or

(ii) disposed of:

(A) in the water where the aquatic animal was caught;

(B) at a fish cleaning station;

(C) at the angler's ~~place of~~ permanent residence; or

(D) at another location where disposal is authorized by law.

(3) A person may not release a live aquatic animal subject to a catch-and-kill regulation in the water it was caught or in any other water in the state.

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: [July 8,] 2014

Notice of Continuation: October 1, 2012

Authorizing and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3

Tax Commission, Property Tax **R884-24P-24** Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918.5 through 59-2-924

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38903

FILED: 10/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments reflect statutory changes from S.B. 61 from the 2014 General Legislative Session and recommendations from the state auditor.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments: 1) delete language dealing with public hearings for taxing entities that have a calendar year as their tax year since S.B. 61 (2014) has made statutory changes that cover this issue; 2) delete language that excluded tax increment distributions when calculating the percentage of property taxes collected so that local taxing entities can meet the recommendation of the state auditor and accurately account for the taxes they have imposed; and 3) make technical changes to more accurately reflect statutes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-918.5 through 59-2-924

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--Fiscal impacts from S.B. 61 (2014) were considered as part of that legislation. The state auditor recommendations improve transparency but have no revenue implications.
- ◆ **LOCAL GOVERNMENTS:** None--Fiscal impacts from S.B. 61 (2014) were considered as part of that legislation. The state auditor recommendations improve transparency but have no revenue implications.
- ◆ **SMALL BUSINESSES:** None--Fiscal impacts from S.B. 61 (2014) were considered as part of that legislation. The state auditor recommendations improve transparency but have no revenue implications.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--Fiscal impacts from S.B. 61 (2014) were considered as part of that legislation. The state auditor recommendations improve transparency but have no revenue implications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--S.B. 61 (2014) has repealed a public hearing, and the state auditor recommendations will afford citizens a better understanding of how property taxes are used.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no compliance cost to any affected person as a result of this change. S.B. 61 (2014) repealed a public hearing and allows taxpayers an opportunity to discuss a tax increase before it is appealed.

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

PROPERTY TAX

210 N 1950 W

SALT LAKE CITY, UT 84134

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: Robert Pero, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918.5 through 59-2-924.

(1) The county auditor must notify all real property owners of property valuation and tax changes on the Notice of Property Valuation and Tax Changes form.

(a) If a county desires to use a modified version of the Notice of Property Valuation and Tax Changes, a copy of the proposed modification must be submitted for approval to the Property Tax Division of the Tax Commission no later than March 1.

(i) Within 15 days of receipt, the Property Tax Division will issue a written decision, including justifications, on the use of the modified Notice of Property Valuation and Tax Changes.

(ii) If a county is not satisfied with the decision, it may petition for a hearing before the Tax Commission as provided in R861-1A-22.

(b) The Notice of Property Valuation and Tax Changes, however modified, must contain the same information as the unmodified version. A property description may be included at the option of the county.

(2) The Notice of Property Valuation and Tax Changes must be completed by the county auditor in its entirety, except in the following circumstances:

(a) New property is created by a new legal description; or
(b) The status of the improvements on the property has changed.

(c) In instances where partial completion is allowed, the term nonapplicable will be entered in the appropriate sections of the Notice of Property Valuation and Tax Changes.

(d) If the county auditor determines that conditions other than those outlined in this section merit deletion, the auditor may enter the term "nonapplicable" in appropriate sections of the Notice of Property Valuation and Tax Changes only after receiving approval from the Property Tax Division in the manner described in Subsection (1).

(3) Real estate assessed under the Farmland Assessment Act of 1969 must be reported at full market value, with the value based upon Farmland Assessment Act rates shown parenthetically.

(4)(a) All completion dates specified for the disclosure of property tax information must be strictly observed.

(b) Requests for deviation from the statutory completion dates must be submitted in writing on or before June 1, and receive the approval of the Property Tax Division in the manner described in Subsection (1).

~~[(5)](5) If the proposed rate exceeds the certified rate, jurisdictions in which the fiscal year is the calendar year are required to hold public hearings even if budget hearings have already been held for that fiscal year.~~

[(6)](5) If the cost of public notice required under Section 59-2-919 is greater than one percent of the property tax revenues to be received, an entity may combine its advertisement with other entities, or use direct mail notification.

[(7)](6) Calculation of the amount and percentage increase in property tax revenues required by Section 59-2-919 shall be computed by comparing property taxes levied for the current year with property taxes ~~collected~~ budgeted the prior year, without adjusting for revenues attributable to new growth.

[(8)](7) If a taxing district has not completed the tax rate setting process as prescribed in Sections 59-2-919 and 59-2-920 by August 17, the county auditor must seek approval from the Tax Commission to use the certified rate in calculating taxes levied.

[(9)](8) The value of property subject to the uniform fee under Sections 59-2-405 through 59-2-405.3 is excluded from taxable value for purposes of calculating new growth, the certified tax rate, and the proposed tax rate.

[(10)](9) The value and taxes of property subject to the uniform fee under Sections 59-2-405 through 59-2-405.3 ~~as well as tax increment distributions and related taxable values of redevelopment renewal agencies;~~ are excluded when calculating the percentage of property taxes collected as provided in Section 59-2-~~913~~924.

[(11)](10) The following formulas and definitions shall be used in determining new growth:

(a) Actual new growth shall be computed as follows:

(i) the taxable value of property assessed by the commission and locally assessed real property for the current year adjusted for redevelopment minus year-end taxable value of property assessed by the commission and locally assessed real property for the previous year adjusted for redevelopment; then

(ii) plus or minus the difference between the taxable value of locally assessed personal property for the prior year adjusted for redevelopment and the year-end taxable value of locally assessed personal property for the year that is two years prior to the current year adjusted for redevelopment; then

(iii) plus or minus changes in value as a result of factoring; then

(iv) plus or minus changes in value as a result of reappraisal; then

(v) plus or minus any change in value resulting from a legislative mandate or court order.

(b) Net annexation value is the taxable value for the current year adjusted for redevelopment of all properties annexed into an entity during the previous calendar year minus the taxable value for the previous year adjusted for redevelopment for all properties annexed out of the entity during the previous calendar year.

(c) New growth is equal to zero for an entity with:

(i) an actual new growth value less than zero; and

(ii) a net annexation value greater than or equal to zero.

(d) New growth is equal to actual new growth for:

(i) an entity with an actual new growth value greater than or equal to zero; or

(ii) an entity with:

(A) an actual new growth value less than zero; and

(B) the actual new growth value is greater than or equal to the net annexation value.

(e) New growth is equal to the net annexation value for an entity with:

(i) a net annexation value less than zero; and

(ii) the actual new growth value is less than the net annexation value.

(f) Adjusted new growth equals new growth multiplied by the mean collection rate for the previous five years.

[(12)](11)(a) For purposes of determining the certified tax rate, ad valorem property tax revenues budgeted by a taxing entity for the prior year are calculated by:

(i) increasing or decreasing the adjustable taxable value from the prior year Report 697 by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year; and

(ii) multiplying the result obtained in Subsection [(12)](11)(a)(i) by:

(A) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(B) the prior year approved tax rate.

(b) If a taxing entity levied the prior year approved tax rate, the budgeted revenues determined under Subsection [(12)](11)(a) are reflected in the budgeted revenue column of the prior year Report 693.

[(13)](12) Entities required to set levies for more than one fund must compute an aggregate certified rate. The aggregate certified rate is the sum of the certified rates for individual funds for which separate levies are required by law. The aggregate certified rate computation applies where:

(a) the valuation bases for the funds are contained within identical geographic boundaries; and

(b) the funds are under the levy and budget setting authority of the same governmental entity.

[(14)](13) For purposes of determining the certified tax rate of a municipality incorporated on or after July 1, 1996, the levy imposed for municipal-type services or general county purposes shall be the certified tax rate for municipal-type services or general county purposes, as applicable.

[(15)](14) No new entity, including a new city, may have a certified tax rate or levy a tax for any particular year unless that entity existed on the first day of that calendar year.

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: [October 23,]2014

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-

305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365

Tax Commission, Property Tax
R884-24P-53
2014 Valuation Guides for Valuation of
Land Subject to the Farmland
Assessment Act Pursuant to Utah Code
Ann. Section 59-2-515

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 38904
 FILED: 10/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment annually updates the agricultural productive values to be applied by county assessors to land qualifying for valuation and assessment under the Farmland Assessment Act. The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee, which meets under the authority of Section 59-2-514.

SUMMARY OF THE RULE OR CHANGE: Section 59-2-515 authorizes the State Tax Commission to promulgate rules regarding the Property Tax Act, Part 5, Farmland Assessment Act. Section 59-2-514 authorizes the State Tax Commission to receive valuation recommendations from the State Farmland Advisory Committee for implementation as outlined in Section R884-24P-53. The rule sets the acreage value rates for 418 separate class-county combinations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-515

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the Education Fund based on increased or decreased real and personal property valuation, including property assessed under the Farmland Assessment Act (FAA). Property valuation (taxable value) changes have been recommended by class and by county. This year it is proposed that 249 rates decrease slightly, 108 increase slightly and 61 have no change. No total cost or savings can be calculated without an exhaustive

study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. However, it is estimated that the overall change is minimal due to this amendment.

◆ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including property assessed under FAA. Property valuation changes have been recommended by class and by county. This year it is proposed that 249 rates decrease slightly, 108 increase slightly and 61 have no change. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. However, it is estimated that the overall change is minimal due to this amendment. County assessors' offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.

◆ **SMALL BUSINESSES:** Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county. The effect on the property owner will depend on the mix of property types and situs. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. In addition, the cost will be further altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county. The effect on the property owner will depend on the mix of property types and situs. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. In addition, the cost will be further altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each property owner with property eligible for assessment under FAA may see a change in value, depending on property class and situs county. The effect on the property owner will depend on the mix of property types and situs. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for FAA in the coming year. In addition, the cost will be further altered by changes to local property tax rates. However, it is estimated that the overall change due to this amendment is minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes may affect property values which may result in a change of property tax amounts due.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: Robert Pero, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-53. [2014]2015 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.

(1) Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

(a) The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

(b) Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

(c) County assessors may not deviate from the schedules.

(d) Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

(2) All property qualifying for agricultural use assessment pursuant to Section 59-2-503 shall be assessed on a per acre basis as follows:

(a) Irrigated farmland shall be assessed under the following classifications.

(i) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
 Irrigated I

1) Box Elder	[820] 798
2) Cache	[707] 674
3) Carbon	[525] 500
4) Davis	[870] 835
5) Emery	[504] 479

6) Iron	[801] 760
7) Kane	[422] 401
8) Millard	[804] 764
9) Salt Lake	[710] 695
10) Utah	[755] 730
11) Washington	[659] 624
12) Weber	[808] 769

(ii) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
 Irrigated II

1) Box Elder	[720] 701
2) Cache	[603] 576
3) Carbon	[418] 398
4) Davis	[764] 734
5) Duchesne	[490] 468
6) Emery	[406] 385
7) Grand	[389] 370
8) Iron	[701] 666
9) Juab	[450] 432
10) Kane	[324] 308
11) Millard	[705] 670
12) Salt Lake	[610] 597
13) Sanpete	[542] 515
14) Sevier	[567] 539
15) Summit	[466] 441
16) Tooele	[456] 434
17) Utah	[653] 631
18) Wasatch	[492] 467
19) Washington	[561] 532
20) Weber	[709] 675

(iii) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3
 Irrigated III

1) Beaver	[574] 546
2) Box Elder	[567] 552
3) Cache	[458] 437
4) Carbon	[277] 263
5) Davis	[615] 590
6) Duchesne	[344] 328
7) Emery	[255] 242
8) Garfield	[213] 202
9) Grand	[245] 233
10) Iron	[557] 530
11) Juab	[303] 291
12) Kane	[179] 171
13) Millard	[558] 530
14) Morgan	[391] 371
15) Piute	[336] 319
16) Rich	[179] 170
17) Salt Lake	[464] 454
18) San Juan	[181] 178
19) Sanpete	[397] 377
20) Sevier	[422] 401
21) Summit	[317] 300
22) Tooele	[305] 290
23) Uintah	[375] 356
24) Utah	[501] 484
25) Wasatch	[342] 325
26) Washington	[413] 391
27) Wayne	[332] 315
28) Weber	[564] 537

(iv) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4
Irrigated IV

1) Beaver	[472] 449
2) Box Elder	[468] 456
3) Cache	[355] 339
4) Carbon	[178] 170
5) Daggett	[195] 185
6) Davis	[514] 494
7) Duchesne	[241] 230
8) Emery	[158] 151
9) Garfield	[115] 108
10) Grand	[149] 141
11) Iron	[455] 432
12) Juab	[201] 193
13) Kane	[82] 78
14) Millard	[454] 432
15) Morgan	[289] 274
16) Piute	[235] 223
17) Rich	[83] 79
18) Salt Lake	[360] 352
19) San Juan	[83] 81
20) Sanpete	[298] 283
21) Sevier	[324] 307
22) Summit	[220] 208
23) Tooele	[208] 198
24) Uintah	[277] 263
25) Utah	[403] 389
26) Wasatch	[244] 232
27) Washington	[310] 294
28) Wayne	[234] 222
29) Weber	[461] 438

(b) Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

1) Beaver	[574] 603
2) Box Elder	[622] 653
3) Cache	[574] 603
4) Carbon	[574] 603
5) Davis	[627] 658
6) Duchesne	[574] 603
7) Emery	[574] 603
8) Garfield	[574] 603
9) Grand	[574] 603
10) Iron	[574] 603
11) Juab	[574] 603
12) Kane	[574] 603
13) Millard	[574] 603
14) Morgan	[574] 603
15) Piute	[574] 603
16) Salt Lake	[574] 603
17) San Juan	[586] 603
18) Sanpete	[574] 603
19) Sevier	[574] 603
20) Summit	[574] 603
21) Tooele	[574] 603
22) Uintah	[574] 603
23) Utah	[631] 603
24) Wasatch	[574] 603
25) Washington	[679] 713
26) Wayne	[574] 603
27) Weber	[627] 658

(c) Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

1) Beaver	[243] 231
2) Box Elder	[262] 255
3) Cache	[271] 259
4) Carbon	[131] 125
5) Daggett	[161] 153
6) Davis	[274] 263
7) Duchesne	[168] 160
8) Emery	[140] 133
9) Garfield	[105] 100
10) Grand	[135] 128
11) Iron	[264] 251
12) Juab	[154] 148
13) Kane	[110] 105
14) Millard	[197] 187
15) Morgan	[199] 189
16) Piute	[193] 183
17) Rich	[106] 100
18) Salt Lake	[228] 223
19) Sanpete	[196] 186
20) Sevier	[201] 191
21) Summit	[204] 193
22) Tooele	[189] 180
23) Uintah	[209] 199
24) Utah	[253] 244
25) Wasatch	[211] 200
26) Washington	[231] 219
27) Wayne	[174] 165
28) Weber	[303] 288

(d) Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

(i) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7
Dry III

1) Beaver	[53] 50
2) Box Elder	[96] 93
3) Cache	[121] 116
4) Carbon	[50] 47
5) Davis	[52] 50
6) Duchesne	[54] 52
7) Garfield	[49] 46
8) Grand	[50] 47
9) Iron	[50] 47
10) Juab	[51] 49
11) Kane	[49] 46
12) Millard	[48] 46
13) Morgan	[65] 61
14) Rich	[49] 46
15) Salt Lake	[54] 53
16) San Juan	[55] 54
17) Sanpete	[55] 52
18) Summit	[49] 46
19) Tooele	[52] 50
20) Uintah	[55] 52
21) Utah	[51] 49
22) Wasatch	[49] 46
23) Washington	[49] 46
24) Weber	[78] 75

(ii) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

TABLE 8
Dry IV

1) Beaver	[16] 15
2) Box Elder	[60] 59
3) Cache	[85] 81
4) Carbon	[45] 14
5) Davis	16
6) Duchesne	[20] 19
7) Garfield	[45] 14
8) Grand	[45] 14
9) Iron	[45] 14
10) Juab	[46] 15
11) Kane	[45] 14
12) Millard	[44] 13
13) Morgan	[29] 28
14) Rich	[45] 14
15) Salt Lake	[46] 15
16) San Juan	[48] 17
17) Sanpete	[20] 19
18) Summit	[45] 14
19) Tooele	[45] 14
20) Uintah	[20] 19
21) Utah	[46] 15
22) Wasatch	[45] 14
23) Washington	[44] 13
24) Weber	[45] 43

(e) Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

(i) Graze 1. The following counties shall assess Graze I property based upon the per acre values listed below:

TABLE 9
GR I

1) Beaver	[74] 69
2) Box Elder	75
3) Cache	[72] 70
4) Carbon	[52] 50
5) Daggett	[53] 51
6) Davis	[61] 60
7) Duchesne	[69] 67
8) Emery	[72] 69
9) Garfield	[79] 74
10) Grand	[80] 75
11) Iron	[76] 71
12) Juab	[65] 63
13) Kane	[74] 72
14) Millard	[78] 74
15) Morgan	[68] 64
16) Piute	[91] 87
17) Rich	[66] 63
18) Salt Lake	[69] 68
19) San Juan	[79] 77
20) Sanpete	[63] 61
21) Sevier	[64] 62
22) Summit	[73] 69
23) Tooele	[72] 68
24) Uintah	[83] 78
25) Utah	[66] 65
26) Wasatch	[52] 51
27) Washington	[65] 63
28) Wayne	[90] 85
29) Weber	[71] 67

(ii) Graze II. The following counties shall assess Graze II property based upon the per acre values listed below:

TABLE 10
GR II

1) Beaver	[23] 22
2) Box Elder	23
3) Cache	[24] 23
4) Carbon	[46] 15
5) Daggett	[45] 14
6) Davis	[20] 19
7) Duchesne	[23] 22
8) Emery	[22] 21
9) Garfield	[24] 22
10) Grand	[23] 22
11) Iron	[23] 22
12) Juab	[20] 19
13) Kane	[24] 23
14) Millard	[25] 23
15) Morgan	[22] 21
16) Piute	[27] 25
17) Rich	[21] 20
18) Salt Lake	[22] 21
19) San Juan	[26] 25
20) Sanpete	[49] 18
21) Sevier	[49] 18
22) Summit	[21] 20
23) Tooele	[21] 20
24) Uintah	[29] 27
25) Utah	[24] 23
26) Wasatch	[48] 17
27) Washington	[22] 21
28) Wayne	[29] 27
29) Weber	[21] 20

(iii) Graze III. The following counties shall assess Graze III property based upon the per acre values below:

TABLE 11
GR III

1) Beaver	[47] 16
2) Box Elder	[48] 17
3) Cache	[46] 15
4) Carbon	[43] 12
5) Daggett	[42] 11
6) Davis	[43] 12
7) Duchesne	[44] 13
8) Emery	[45] 14
9) Garfield	[47] 16
10) Grand	[46] 15
11) Iron	[46] 15
12) Juab	[44] 13
13) Kane	[46] 15
14) Millard	[47] 16
15) Morgan	[44] 13
16) Piute	[49] 18
17) Rich	[44] 13
18) Salt Lake	[45] 14
19) San Juan	[47] 16
20) Sanpete	[44] 13
21) Sevier	[44] 13
22) Summit	[45] 14
23) Tooele	[44] 13
24) Uintah	[20] 19
25) Utah	[44] 13
26) Wasatch	[43] 12
27) Washington	[44] 13
28) Wayne	[49] 18
29) Weber	[45] 14

(iv) Graze IV. The following counties shall assess Graze IV property based upon the per acre values listed below:

TABLE 12
GR IV

1)	Beaver	6
2)	Box Elder	5
3)	Cache	5
4)	Carbon	5
5)	Daggett	5
6)	Davis	5
7)	Duchesne	5
8)	Emery	6
9)	Garfield	5
10)	Grand	6
11)	Iron	6
12)	Juab	5
13)	Kane	5
14)	Millard	5
15)	Morgan	6
16)	Piute	6
17)	Rich	5
18)	Salt Lake	5
19)	San Juan	5
20)	Sanpete	5
21)	Sevier	5
22)	Summit	5
23)	Tooele	5
24)	Uintah	6
25)	Utah	5
26)	Wasatch	5
27)	Washington	5
28)	Wayne	5
29)	Weber	6

(f) Land classified as nonproductive shall be assessed as follows on a per acre basis:

TABLE 13
Nonproductive Land

Nonproductive Land	
1) All Counties	5

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: [October 23,] 2014
Notice of Continuation: January 3, 2012
Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

Transportation, Operations, Construction **R916-2** Prequalification of Contractors

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 38912
FILED: 10/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment is to provide greater access to the Utah Department of Transportation (UDOT) procurements for small businesses by updating rule references, revising and adding definitions, changing the project advertised estimate threshold for which prequalification is required, adding and revising prequalification guidance and information, and providing joint venture guidance and information.

SUMMARY OF THE RULE OR CHANGE: This amendment: 1) updates references to the Utah Code Ann. Sections that the rule is authorized under; 2) updates and adds definitions; 3) changes the project advertised estimate threshold for which prequalification is required from \$1,500,000 or under to \$3,000,000 or under; 4) adds prequalification information submittal deadline; 5) authorizes the department to alter an applicant's status anytime during the process as needed; 6) eliminates requirement that federal income tax returns accompany reviewed financial statements; 7) defines the lower prequalification rating; 8) provides and defines an applicants ability to submit a guaranty of financial support; 9) limits information applicant must provide regarding experience and past performance; 10) eliminates the "Status of Work under Contract" form requirement; 11) defines conditions under which an application may be rejected; 12) provides notice that the department will not accept any pledges; 13) defines requirements for applying as a joint venture; and 14) repeals the disqualification rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201 and Subsection 63G-6a-106(3)(a)

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** The revised rule is intended to provide greater access to UDOT procurement contracts to small businesses. It does not increase or decrease fees, there will be no additional cost to administer the revised rule. The revised rule will not affect the state's budget.

♦ LOCAL GOVERNMENTS: The revised rule is intended to provide greater access to UDOT procurement contracts. The revised rule does not provide anything to or require anything from local governments, therefore it will not affect the budgets of local governments.

♦ SMALL BUSINESSES: Because the revised rule is intended to provide greater access to UDOT procurement contracts to small businesses it should provide non-fiscal benefits to small businesses. The revised rule does not increase or decrease fees and there will be no additional cost to administer the revised rule. The revised rule will have a positive effect on small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Since the revised rule provides greater access to UDOT procurement contracts to small businesses it creates an incentive to start a small business and enter the market. Therefore, the revised rule will affect persons other than small businesses, businesses, or local government entities in a positive way.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The revised rule requires no compliance fees of affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Director Braceras agrees with the assessment of the drafting attorney with respect to costs to affected persons.

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

TRANSPORTATION
OPERATIONS, CONSTRUCTION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/01/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/08/2014

AUTHORIZED BY: Carlos Braceras, Executive Director

R916. Transportation, Operations, Construction.

R916-2. Prequalification of Contractors.

R916-2-1. Authority and Purpose.

This rule establishes procedures for prequalifying~~[prequalification of]~~ contractors desiring to submit bids and proposals ~~[on]~~for Utah Department of Transportation construction projects. This rule is authorized under Utah Code Ann. Sections 72-1-201[;] and ~~[Subsection] 63G-6a-106(3)(a)[207(3)].~~

R916-2-2. Definitions.

(1) Terms used in this rule are defined in Section 72-1-102~~[and Subsection 63G-6-207(3)].~~

(2) ~~[In addition,]~~~~[b]~~Board" means the prequalification board, consisting of 4 positions: Department of Transportation ~~[e]~~Comptroller, ~~[project development engineer]~~Director of Construction and Materials, an engineer for construction, and the ~~[construction administrative secretary]~~Prequalification Specialist, or designees.

(3) "Applicant" means any person who submits an application for prequalification.

R916-2-3. Prequalification.

(1) Contractors desiring to submit bids or proposals for construction contracts shall be prequalified by the ~~[d]~~Department to ensure they have the resources and capability to successfully complete awarded contracts. Prequalification ~~[of contractors]~~is not required for ~~[contracts]~~projects that have an advertised estimate of~~[under]~~ \$~~[1,500,000]~~3,000,000 or under.

(a) Prequalification information is due at least 10 calendar days before submitting a proposal or bid on projects of more than \$3,000,000.

(b) The Department may change an Applicant's prequalification status at any time if the Department receives favorable or unfavorable information about the Applicant's job or financial performance.

(c) The prequalification amount limits the size of individual contracts and type of work for which a prequalified contractor may submit proposals or bids.

(2) Qualification ratings establish the type of construction work contractors may be permitted to perform and the maximum dollar value of contracts they are allowed to undertake at any one time.

(3) ~~[Contractors]~~Applicants who attain a total prequalification of \$50,000,000 shall be classified as unlimited. Each ~~[contractor]~~Applicant's prequalification shall be reviewed at least annually; more often if circumstances so warrant as determined by the Department.

(4) Qualification ratings shall be based on evaluation of the ~~[contractor's]~~Applicant's:

(a) experience;

(b) past performance;

(c) personnel; and

(e)d analysis of certified audited financial statements, including balance sheet, income statements, equipment and changes in financial condition.

(i)e ~~[R]~~reviewed financial statements ~~[accompanied by the company federal income tax return]~~for the same time period may be accepted in lieu of the required certified audited financial statements, however, [this]providing these documents shall result in a lower prequalification rating of one-half of the financial factor allowed under the usual procedure.

(5) An applicant may submit a guaranty of financial support provided by an affiliated but independent entity. The Department shall provide a guarantee form for this purpose. Applicants must submit the Department's guarantee form with their applications. The guarantee may increase an applicant's adjusted equity by a maximum of 50% of the applicant's calculated adjusted equity in the formula.

~~[(5)6] The applicant shall only provide the experience and past performance of the applicant, and must submit financial documents that accurately represent the past financial performance and present financial condition of the applicant. [Each bid proposal submitted shall include a complete "Status of Work Under Contract" form. The form shall include all work presently the responsibility of said contractor, both in and out of the state of Utah.~~

~~(a) Contractors with a prequalification amount classified as unlimited are exempt from this requirement.]~~

~~(7) The Department may reject an application and not pre-qualify an Applicant if the Applicant:~~

~~(a) fails to provide all requested information;~~

~~(b) provides false, misleading, or incorrect information;~~

~~(c) has now or in the past had an officer, member or owner who was convicted of a felony;~~

~~(d) is now or has been suspended or debarred by any governmental entity;~~

~~(e) has failed to complete a construction contract as the prime contractor;~~

~~(f) has been convicted or held liable for any crime or civil offense that involved collusive or deceptive activity related to a procurement process; or~~

~~(g) otherwise fails to meet the Department's requirements.~~

~~[(6)8] This rule shall be administered to ensure that Applicants possess adequate financial resources to provide complete performance of contracts awarded to them by the Department, and to foster and protect competition in [bidding for construction contracts]the Department's bidding processes.~~

~~(9) The Department will not accept any pledges.~~

R916-2-4 Joint Venture.

~~(1) Joint ventures must submit a letter of intent to the Department's Prequalification Board Specialist that states the exact name of the joint venture and identifies the joint venture's designated administrative partner before submitting a joint proposal on a project. Joint ventures must submit their joint proposals at least four working days before the scheduled bid opening. The Department will consolidate individual prequalification amounts for joint venture bids or proposals.~~

~~(2) Applicants shall obtain the following under the joint venture designation before bid openings:~~

~~(a) Bid bond; and~~

~~(b) UDOT Contractor identification and password.~~

R916-2-[4]5. Prequalification Board.

~~(1) The Prequalification board is established to:~~

~~(a) direct the prequalification of contractors;~~

~~(b) review and analyze prequalification applications; and~~

~~(c) establish the amount and type of prequalification to be granted to contractors.~~

[R916-2-5. Disqualification.

~~(1) If the board determines a contractor is not performing in a satisfactory manner on projects, the board may disqualify the contractor from bidding on future projects for a period of time as the board may determine.~~

~~(2) If it is determined any contractor knowingly or negligently falsifies their "Status of Work Under Contract," they may be disqualified from bidding on projects for a period of time as the board may determine.~~

~~(3) Bonding companies that do not satisfactorily perform on contract bonds, as determined by the board, or are not listed in the Department of the Treasury Circular 570, may be suspended from supplying bonds for projects for a period of time as the board may determine. The Department of the Treasury Circular 570 is available on the internet at www.fms.treas.gov/e570/e570.html.~~

~~(4) Any contractor or bonding company so suspended may appeal any decision of the board to the transportation commission.~~

]KEY: bids, contracts, prequalification

Date of Enactment or Last Substantive Amendment: [~~October 11, 2011~~]2014

Notice of Continuation: August 11, 2011

Authorizing, and Implemented or Interpreted Law: 72-1-102; 72-1-201; [~~63G-6-207(3)]63G-6a-106(3)(a)~~

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 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 December 1, 2014.

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 (example). Deletions made to the rule appear struck out with brackets surrounding them (~~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 may 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 March 1, 2015, 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.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

Environmental Quality, Air Quality
R307-335
Degreasing and Solvent Cleaning
Operations

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38674
 FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM_{2.5} State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 8. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.

- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.

- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-335. Degreasing and Solvent Cleaning Operations.

R307-335-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emission from degreasing and solvent cleaning operations.

R307-335-2. Applicability.

R307-335 applies to all degreasing or solvent cleaning operations that use VOCs and that are located in PM₁₀ and PM_{2.5} nonattainment and maintenance plan areas as defined in 40 CFR 81.345 (July 1, 2011).

R307-335-3. Definitions.

The following additional definitions apply to R307-335:
 "Batch open top vapor degreasing" means the batch process of cleaning and removing grease and soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersing while maintaining the solvent below its boiling point.

"Conveyorized degreasing" means the continuous process of cleaning and removing greases and soils from metal surfaces by using either cold or vaporized solvents.

"Department of Defense military technical data" means a specification that specifies design requirements, such as materials to be used, how a requirement is to be achieved, or how an item is to be fabricated or constructed.

"Freeboard ratio" means the freeboard height (distance between solvent line and top of container) divided by the width of the degreaser.

"Industrial solvent cleaning" means operations performed using a liquid that contains any VOC, or combination of VOCs, which is used to clean parts, tools, machinery, equipment and work areas. Cleaning operations include, but are not limited to, spraying, wiping, flushing, and purging.

"Open top vapor degreaser" means the batch process of cleaning and removing soils from metal surfaces by condensing low solvent vapor on the colder metal parts.

"Separation operation" means any process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

"Solvent metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, open top vapor degreasers, or conveyorized degreasing.

R307-335-4. Cold Cleaning Facilities.

No owner or operator shall operate a degreasing or solvent cleaning operation unless conditions in R307-335-4(1) through (7) are met.

(1) A cover shall be installed which shall remain closed except during actual loading, unloading or handling of parts in cleaner. The cover shall be designed so that it can be easily operated with one hand if:

- (a) The volatility of the solvent is greater than 2 kPa (15 mm Hg or 0.3 psi) measured at 38 degrees C (100 degrees F),
- (b) The solvent is agitated, or
- (c) The solvent is heated.

(2) An internal draining rack for cleaned parts shall be installed on which parts shall be drained until all dripping ceases. If the volatility of the solvent is greater than 4.3 kPa (32 mm Hg at 38 degrees C (100 degrees F)), the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Waste or used solvent shall be stored in covered containers.

(4) Tanks, containers and all associated equipment shall be maintained in good operating condition, and leaks shall be repaired immediately or the degreaser shall be shutdown.

(5) Written procedures for the operation and maintenance of the degreasing or solvent cleaning equipment shall be permanently posted in an accessible and conspicuous location near the equipment.

(6) If the solvent volatility is greater than 4.3 kPa (33 mm Hg or 0.6 psi) measured at 38 degrees C (100 degrees F), or if solvent

is heated above 50 degrees C (120 degrees F), then one of the following control devices shall be used:

- (a) Freeboard that gives a freeboard ratio greater than 0.7;
 - (b) Water cover if the solvent is insoluble in and heavier than water); or
 - (c) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.
- (7) If used, the solvent spray shall be a solid fluid stream at a pressure that does not cause excessive splashing and may not be a fine, atomized or shower type spray.

R307-335-5. Open Top Vapor Degreasers.

Owners or operators of open top vapor degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5),

(1) Equip the vapor degreaser with a cover that can be opened and closed without disturbing the vapor zone. The cover shall be closed except when processing work loads through the degreaser;

(2) Install one of the following control devices:

- (a) Equipment necessary to sustain:
 - (i) A freeboard ratio greater than or equal to 0.75, and
 - (ii) A powered cover if the degreaser opening is greater than 1 square meter (10.8 square feet),
- (b) Refrigerated chiller,
- (c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser),

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when cover is open and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle;

(3) Minimize solvent carryout by:

- (a) Racking parts to allow complete drainage,
- (b) Moving parts in and out of the degreaser at less than 3.3 meters per minute (11 feet per minute),
- (c) Holding the parts in the vapor zone at least 30 seconds or until condensation ceases,
- (d) Tipping out any pool of solvent on the cleaned parts before removal, and
- (e) Allowing the parts to dry within the degreaser for at least 15 seconds or until visibly dry.

(4) Spray parts only in or below the vapor level;

(5) Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) in degreaser open area, unless necessary to meet state and federal occupational, health, and safety requirements.

(6) Not degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(7) Not allow work loads to occupy more than half of the degreaser's open top area;

(8) Ensure that solvent is not visually detectable in water exiting the water separator;

(9) Install safety switches on the following:

- (a) Condenser flow switch and thermostat (shuts off sump heat if condenser coolant is either not circulating or too warm); and
- (b) Spray switch (shuts off spray pump if the vapor level drops excessively, i.e., greater than 10 cm (4 inches).

(10) Open top vapor degreasers with an open area smaller than one square meter (10.8 square feet) are exempt from R307-335-5(2)(b) and (d).

R307-335-6. Conveyorized Degreasers.

Owners and operators of conveyorized degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5) and R307-335-5(5):

(1) Install one of the following control devices for conveyorized degreasers with an air/vapor interface equal to or greater than two square meters (21.5 square feet):

(a) Refrigerated chiller; or

(b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when downtime covers are open, and exhausting less than 25 parts per million of solvent, by volume, averaged over a complete adsorption cycle.

(2) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

(3) Provide downtime covers for closing off the entrance and exit during shutdown hours. Ensure that down-time cover is placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and is removed just before they are started up.

(4) Minimize carryout emissions by racking parts for best drainage and maintaining the vertical conveyor speed at less than 3.3 meters per minute (11 feet per minute).

(5) Minimize openings: Entrances and exits should silhouette work loads so that the average clearance (between parts and the edge of the degreaser opening) is either less than 10 cm (4 inches) or less than 10% of the width of the opening.

(6) Install safety switches on the following:

(a) Condenser flow switch and thermostat - shuts off sump heat if coolant is either not circulating or too warm;

(b) Spray switch - shuts off spray pump or conveyor if the vapor level drops excessively, i.e., greater than 10 cm or (4 inches); and

(c) Vapor level control thermostat - shuts off sump level if vapor level rises too high.

(7) Ensure that solvent is not visibly detectable in the water exiting the water separator.

R307-335-7. Industrial Solvent Cleaning.

(1) Exemptions. The requirements of R307-335-7 do not apply to aerospace, wood furniture, shipbuilding and repair, flat wood paneling, large appliance, metal furniture, paper film and foil, plastic parts, miscellaneous metal parts coatings and light autobody and truck assembly coatings, flexible packaging, lithographic and letterpress printing materials, fiberglass boat manufacturing materials, and operations that are exclusively covered by Department of Defense military technical data and performed by a Department of Defense contractor and/or on site at installations owned and/or operated by the United States Armed Forces.

(2) Operators of industrial solvent cleaning that emit 15 pounds of VOCs or more per day from industrial solvent cleaning operations, shall reduce VOC emissions from the use, handling, storage, and disposal of cleaning solvents and shop towels by implementing the following work practices:

(a) Covering open containers; and

(b) Storing used applicators and shop towels in closed fire proof containers, and

(c) Limiting VOC emissions by either:

(i) Using solvents (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) with a VOC limit in Table 1; or

(ii) Installing an emission control system designed to have an overall capture and control efficiency of at least 85%.

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R307-335-8. Add-on Emission Control Systems Operations.

(1) Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-335-7(2)(c)(ii).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-335-7. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, degreasing, solvent cleaning

Date of Enactment or Last Substantive Amendment: 2014

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(a)

Environmental Quality, Air Quality **R307-342** Adhesives and Sealants

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38675

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM_{2.5} State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 11. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no

anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-342. Adhesives and Sealants.****R307-342-1. Purpose.**

The purpose of this rule is to limit emissions of volatile organic compounds (VOCs) from adhesives, sealants, primers and cleaning solvents.

R307-342-2. Applicability.

Beginning September 1, 2014, R307-342 applies to any person who manufactures any adhesive, sealant, adhesive primer or sealant primer in Box Elder, Cache, Davis, Salt Lake, Utah or Weber counties and to any person who sells, supplies, or applies any adhesive, sealant, adhesive primer or sealant primer in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties manufactured on or after September 1, 2014.

R307-342-3. Exemptions.

(1) The requirements of R307-342 do not apply to the following:

(a) Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in any research and development, quality assurance or analytical laboratory;

(b) Adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and exempt solvents, as applied;

(c) Cyanoacrylate adhesives;

(d) Adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less or that have a net weight of one pound or less, except plastic cement welding adhesives and contact adhesives;

(e) Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of one gallon or less;

(f) Aerosol adhesives and primers dispensed from aerosol spray cans; or

(g) Polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities.

(2) The requirements of R307-342 do not apply to the use of adhesives, sealants, adhesive primers, sealant primers, surface preparation and cleanup solvents in the following operations:

(a) Tire repair operations, provided the label of the adhesive states "for tire repair only;"

(b) In the production, rework, repair, or maintenance of aerospace vehicles and components, and undersea-based weapon systems;

(c) In the manufacture of medical equipment;

(d) Operations that are exclusively covered by Department of Defense military technical specifications and standards and performed by a Department of Defense contractor and/or on site at installations owned and/or operated by the United States Armed Forces.

(e) Plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992.

(3) The requirements of R307-342 do not apply to commercial and industrial operations if the total VOC emissions from all adhesives, sealants, adhesive primers and sealant primers used at the source are less than 200 pounds per calendar year.

(4) Adhesive products and sealant products shipped, supplied or sold exclusively outside of the areas specified in R307-342-2 are exempt from the requirements of this rule.

(5) R307-342 shall not apply to any adhesive, sealant, adhesive primer or sealant primer products manufactured for shipment and use outside of the counties specified R307-342-2 as long as the manufacturer or distributor can demonstrate both that the product is intended for shipment and use outside of the applicable counties and that the manufacturer or distributor has taken reasonable prudent precautions to assure that the product is not distributed to the applicable counties.

(6) R307-342 shall not apply to the use of any adhesives, sealants, adhesive primers, sealant primers, cleanup solvents and surface preparation solvents, provided the total volume of noncomplying adhesives, sealants, primers, cleanup and surface preparation solvents applied facility-wide does not exceed 55 gallons per rolling 12-month period.

(7) Commercial and industrial operations claiming exemption pursuant to R307-342-3 shall record and maintain operational records sufficient to demonstrate compliance.

R307-342-4. Definitions.

The following additional definitions apply to R307-342:

"Acrylonitrile-butadiene-styrene (ABS) welding adhesive" means any adhesive intended by the manufacturer to weld

acrylonitrile-butadiene-styrene pipe, which is made by reacting monomers of acrylonitrile, butadiene and styrene.

"Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

"Adhesive primer" means any product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.

"Aerospace component" means a fabricated part, assembled part, or completed unit, including passenger safety equipment, of any aircraft, helicopter, missile or space vehicle.

"Architectural sealant or primer" means any sealant or sealant primer intended by the manufacturer to be applied to stationary structures, including mobile homes and their appurtenances. Appurtenances to an architectural structure include, but are not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downspouts, and windows.

"Automotive glass adhesive primer" means an adhesive primer labeled by the manufacturer to be applied to automotive glass prior to installation of the glass using an adhesive or sealant.

"Ceramic tile installation adhesive" means any adhesive intended by the manufacturer for use in the installation of ceramic tiles.

"Chlorinated polyvinyl chloride plastic (CPVC) plastic" means a polymer of the vinyl chloride monomer that contains 67% chlorine and is typically identified with a CPVC marking.

"Chlorinated polyvinyl chloride (CPVC) welding adhesive" means an adhesive labeled for welding of chlorinated polyvinyl chloride plastic.

"Cleanup solvent" means a VOC-containing material used either to remove a loosely held uncured (i.e., not dry to the touch) adhesive or sealant from a substrate or to clean equipment used in applying a material.

"Computer diskette jacket manufacturing adhesive" means any adhesive intended by the manufacturer to glue the fold-over flaps to the body of a vinyl computer diskette jacket.

"Contact bond adhesive" means an adhesive that:

(1) is designed for application to both surfaces to be bonded together;

(2) is allowed to dry before the two surfaces are placed in contact with each other;

(3) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other; and

(4) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces.

"Contact adhesive" means an adhesive that feels dry to the touch and bonds instantly. Contact adhesives do not include rubber cements that are primarily intended for use on paper substrates and vulcanizing fluids that are designed and labeled for tire repair only.

"Cove base" means a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

"Cove base installation adhesive" means any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

"Cyanoacrylate adhesive" means any adhesive with a cyanoacrylate content of at least 95% by weight.

"Department of Defense military technical data" means a specification that specifies design requirements, such as materials to be used, how a requirement is to be achieved, or how an item is to be fabricated or constructed.

"Enclosed cleaning system" means a cleaner consisting of a closed container with a door or top that can be opened and closed and fitted with cleaning connections. A spray gun is attached to the enclosed cleaning system by a connection, and solvent is pumped through the gun to clean it. The cleaning solvent falls back into the cleaning system's solvent reservoir for recirculation.

"Flexible vinyl" means non-rigid polyvinyl chloride plastic with at least 5% by weight plasticizer content.

"Fiberglass" means a material consisting of extremely fine glass fibers.

"Indoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

"Laminate" means a product made by bonding together two or more layers of material.

"Marine deck sealant" or "marine deck sealant primer" means any sealant or sealant primer labeled for application to wooden marine decks.

"Medical equipment manufacturing" means the manufacture of medical devices, such as, but not limited to, catheters, heart valves, blood cardioplegia machines, tracheostomy tubes, blood oxygenators, and cardiatory reservoirs.

"Metal to urethane/rubber molding or casting adhesive" means any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.

"Multipurpose construction adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.

"Nonmembrane roof installation/repair adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of nonmembrane roofs and that is not intended for the installation of prefabricated single-ply flexible roofing membrane, including, but not limited to, plastic or asphalt roof cement, asphalt roof coating and cold application cement.

"Outdoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.

"Panel installation" means the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces using an adhesive formulated for that purpose.

"Perimeter bonded sheet flooring installation" means the installation of sheet flooring with vinyl backing onto a nonporous

substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

"Plastic cement welding adhesive" means any adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

"Plastic cement welding adhesive primer" means any primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

"Plasticizer" means a material such as a high boiling point organic solvent that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, as determined by ASTM Method E-260-96.

"Polyvinyl chloride (PVC) plastic" means a polymer of the chlorinated vinyl monomer that contains 57% chlorine.

"Polyvinyl chloride welding adhesive" or "PVC welding adhesive" means any adhesive intended by the manufacturer for use in the welding of PVC plastic pipe.

"Porous material" means a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, wood, paper and corrugated paperboard.

"Roadway sealant" means any sealant intended by the manufacturer for application to public streets, highways and other surfaces, including but not limited to curbs, berms, driveways and parking lots.

"Rubber" means any natural or manmade rubber substrate, including styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.

"Sealant primer" means any product intended by the manufacturer for application to a substrate, prior to the application of a sealant, to enhance the bonding surface.

"Sealant" means any material with adhesive properties, including sealant primers and caulks, that is formulated primarily to fill, seal, waterproof or weatherproof gaps or joints between two surfaces. "Sheet-applied rubber installation" means the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

"Single-ply roof membrane" means a prefabricated single sheet of rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one layer of membrane material.

"Single-ply roof membrane installation and repair adhesive" means any adhesive labeled for use in the installation or repair of single-ply roof membrane.

(1) Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane.

(2) Repair includes gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes or ducts installed through the membrane.

"Single-ply roof membrane adhesive primer" means any primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

"Single-ply roof membrane sealant" means any sealant labeled for application to single-ply roof membrane.

"Structural glazing adhesive" means any adhesive intended by the manufacturer to apply glass, ceramic, metal, stone or composite panels to exterior building frames.

"Subfloor installation" means the installation of subflooring material over floor joists, including the construction of any load bearing joists. Subflooring is covered by a finish surface material.

"Surface preparation solvent" means a solvent used to remove dirt, oil and other contaminants from a substrate prior to the application of a primer, adhesive or sealant.

"Thin metal laminating adhesive" means any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line is less than 0.25 mils.

"Tire repair" means a process that includes expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.

"Traffic marking tape" means preformed reflective film intended by the manufacturer for application to public streets, highways and other surfaces, including curbs, berms, driveways and parking lots.

"Traffic marking tape adhesive primer" means any primer intended by the manufacturer for application to surfaces prior to installation of traffic marking tape.

"Undersea-based weapons systems components" means the fabrication of parts, assembly of parts or completed units of any portion of a missile launching system used on undersea ships.

"Waterproof resorcinol glue" means a two-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

R307-342-5. VOC Content Limits.

(1) Beginning September 1, 2014, no person shall manufacturer any adhesive, sealant, adhesive primer or sealant primer with a VOC content in excess of the limits in Table 1.

(2) Beginning September 1, 2014, no person shall sell supply or offer for sale any adhesive, sealant, adhesive primer or sealant primer with a VOC content in excess of the limits in Table 1 and that was manufactured on or after September 1, 2014.

(3) Beginning September 1, 2014, no person shall apply any adhesive, sealant, adhesive primer or sealant primer with a VOC content in excess of the limits in Table 1 unless that person uses an add-on control device as specified in R307-342-8 or unless the adhesive, sealant, adhesive primer or sealant primer was manufactured before September 1, 2014.

(4) The VOC content limits in Table 1 for adhesives applied to particular substrates shall apply as follows:

(a) If a person uses an adhesive or sealant subject to a specific VOC content limit for such adhesive or sealant in Table 1, such specific limit is applicable rather than an adhesive-to-substrate limit; and

(b) If an adhesive is used to bond dissimilar substrates together, the applicable substrate category with the highest VOC content shall be the limit for such use.

TABLE 1

VOC Content Limits for Adhesives, Sealants, Adhesive Primers, Sealant Primers and Adhesives Applied to Particular Substrates (minus water and exempt compounds (compounds that are not defined as VOC in R307-101-2)), as applied

Adhesive, Sealant, Adhesive Primer Category	VOC Content Limit (grams VOC/liter)
Adhesives	
ABS welding	400
Ceramic tile installation	130
Computer diskette jacket manufacturing	850
Contact bond	250
Cove base installation	150
CPVC welding	490
Indoor floor covering installation	150
Metal to urethane/rubber molding or casting	850
Multipurpose construction	200
Nonmembrane roof installation/repair	300
Other plastic cement welding	510
Outdoor floor covering installation	250
PVC welding	510
Single-ply roof membrane installation/repair	250
Structural glazing	100
Thin metal laminating	780
Tire retread	100
Perimeter bonded sheet vinyl flooring installation	660
Waterproof resorcinol glue	170
Sheet-applied rubber installation	850
Sealants	
Architectural	250
Marine deck	760
Nonmembrane roof installation/repair	300
Roadway	250
Single-ply roof membrane	450
Other	420
Adhesive Primers	
Automotive glass	700
Plastic cement welding	650
Single-ply roof membrane	250

Traffic marking tape	150
Other	250
Sealant Primers	
Non-porous architectural	250
Porous architectural	775
Marine deck	760
Other	750
Adhesives Applied to the Listed Substrate	
Flexible vinyl	250
Fiberglass	200
Metal	30
Porous material	120
Rubber	250
Other substrates	250

R307-342-6. Application Equipment.

(1) An operator shall only use the following equipment to apply adhesives and sealants:

- (a) Electrostatic application;
- (b) Flow coater;
- (c) Roll coater;
- (d) Dip coater;
- (e) Hand application method;
- (f) Airless spray and air-assisted airless spray;
- (g) High volume, low pressure spray equipment operated in accordance with the manufacturers specifications; or
- (h) Other methods having a minimum 65% transfer efficiency.

(2) Removal of an adhesive, sealant, adhesive primer or sealant primer from the parts of spray application equipment shall be performed as follows:

- (a) In an enclosed cleaning system;
- (b) Using a solvent (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) with a VOC content less than or equal to 70 grams of VOC per liter of material; or
- (c) Parts containing dried adhesive may be soaked in a solvent if the composite vapor pressure of the solvent, excluding water and exempt compounds, is less than or equal to 9.5 mm Hg at 20 degrees Celsius and the parts and solvent are in a closed container that remains closed except when adding parts to or removing parts from the container.

(3) Parts containing dried adhesive may be soaked in a solvent if the composite vapor pressure of the solvent, excluding water and exempt compounds, is less than or equal to 9.5 mm Hg at 20 degrees Celsius and the parts and solvent are in a closed container that remains closed except when adding parts to or removing parts from the container.

R307-342-7. Administrative Requirements.

(1) Each person that manufactures adhesives, sealants, and adhesive primers subject to this rule shall maintain records demonstrating compliance.

(2) Commercial and industrial operations that are not exempt under R307-342-3 shall maintain records demonstrating compliance with this rule, including:

(a) A list of each adhesive, sealant, adhesive primer, sealant primer cleanup solvent and surface preparation solvent in use and in storage;

(b) A material data sheet for each adhesive, sealant, adhesive primer, sealant primer, cleanup solvent and surface preparation solvent;

(c) A list of catalysts, reducers or other components used and the mix ratio;

(d) The VOC content or vapor pressure, as applied; and

(e) The monthly volume of each adhesive, sealant, adhesive primer, sealant primer cleanup solvent and surface preparation solvent used.

(2) Except as provided in R307-342-6(2), no person shall use materials containing VOCs for the removal of adhesives, sealants, or adhesive or sealant primers from surfaces, other than spray application equipment, unless the composite vapor pressure of the solvent used is less than 45 mm Hg at 20 degrees Celsius.

R307-342-8. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 85% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-342-8(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-342-8. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-342-9. Container Labeling.

Each manufacturer of an adhesive, sealant, adhesive primer or sealant primer subject to this rule shall display the following information on the product container or label:

(1) A statement of the manufacture's recommendation regarding thinning, reducing, or mixing of the product.

(a) R307-342-9 does not apply to the thinning of a product with water.

(b) If the thinning of the product prior to use is not necessary, the recommendation shall specify that the product is to be applied without thinning.

(2) The maximum or the actual VOC content of the product in accordance with Table 1, as supplied, displayed in grams of VOC per liter of product; and

(3) The maximum or the actual VOC content of the product in accordance with Table 1, which includes the manufacture's maximum recommendation for thinning, as applied, displayed in grams of VOC per liter of product.

KEY: air pollution, adhesives, sealants, primers

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality
R307-343
Emissions Standards for Wood
Furniture Manufacturing Operations

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38676

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 16. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

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

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-343. Emissions Standards for Wood Furniture Manufacturing Operations.

R307-343-1. Purpose.

The purpose of R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing.

R307-343-2. Applicability.

R307-343 applies to wood furniture manufacturing operations, including related cleaning activities, that have the potential to emit 2.7 tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele, and Weber counties.

R307-343-3. Definitions.

The following additional definitions apply to R307-343:

"Affected source" means a wood furniture manufacturing source that meets the criteria in R307-343-2.

"As applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Compliant coating" means a finishing material or strippable booth coating that meets the emission limits specified in R307-343-4(1).

"Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Finishing material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Stain" means any color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats

directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0% or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

"Wood furniture manufacturing operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

R307-343-4. VOC Content Limits.

(1) Each affected source subject to R307-343 shall limit VOC emissions by:

(a) Using the compliant coating method as described in R307-343-4(1)(a)(i) or using the control system method as described in R307-343-4(1)(a)(ii).

(i) Compliant coating method is the use of the topcoats or topcoat/sealer combinations in Table 1:

TABLE 1

Compliant Coating VOC Limitations
(values in pounds VOC per pound of solids, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC Content Limitations	
	Effective Through December 31, 2014	Effective Beginning January 1, 2015
Topcoats	0.8	0.4
Topcoat/Sealer combination		
Topcoat	1.8	0.9
Sealer	1.9	0.9
Acid-cured, alkyd amino topcoat/sealer combinations		
Acid-cured, alkyd amino topcoat	2.0	1.0
Acid-cured, alkyd amino vinyl Sealer	2.3	1.2

(ii) Control system method is the use of a VOC control system achieving a 85% or greater emissions reduction.

(b) Using strippable spray booth coatings that contain no greater than 0.8 pounds VOC per pound solids as applied.

(c) Using closed containers for the storing of finishing, gluing, cleaning and washoff materials.

R307-343-5. Application Equipment Requirements.

(1) All coatings shall be applied using equipment having a minimum 65% transfer efficiency, except as allowed under R307-343-5(3) and operated according to the equipment manufacturer specifications. Equipment meeting the transfer efficiency requirement includes:

- (a) Brush, dip, or roll coating;
- (b) Electrostatic application; and
- (c) High volume, low pressure (HVLP) spray equipment.

(2) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods may be used.

(3) Conventional air spray methods may be used under the following circumstances:

(a) To apply finishing materials that have no greater than 1.0 pound of VOC per pound of solids, as applied;

(b) For touch-up and repair under the following circumstances:

(i) The touchup and repair occurs after completion of the finishing operation; or

(ii) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons;

(c) When the spray gun is aimed and triggered automatically, not manually;

(d) When the emissions from the finishing application station are directed to a control device;

(e) When the conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 10% of the total gallons of finishing material used during the calendar year; or

(f) When the conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

R307-343-6. Add-on Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 85% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-343-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-343-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

R307-343-7. Work Practices and Recordkeeping.

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices shall include:

(a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

(2) The work practices for cleaning materials shall be implemented at all times to reduce VOC emissions from fugitive type sources. The work practices shall include:

(a) Storing all VOC-containing cleaning materials and used shop towels in closed containers;

(b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing cleaning materials;

(d) Conveying VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(e) Minimizing VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content (excluding compounds not classified as VOC) of 0.21 pounds per gallon or less.

(4) For each calendar year, all sources subject to R307-343 shall maintain records demonstrating compliance with R307-343-4, R307-343-5 and R307-343-7.

(a) Records shall include, but shall not be limited to, inventory and product data sheets for all coatings and solvents subject to R307-343.

(b) These records shall be made available to the director upon request.

KEY: air pollution, wood furniture, coatings
Date of Enactment or Last Substantive Amendment: 2014
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)

Environmental Quality, Air Quality
R307-344
Paper, Film, and Foil Coatings

NOTICE OF CHANGE IN PROPOSED RULE
 DAR FILE NO.: 38677
 FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 19. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-344. Paper, Film, and Foil Coatings.
R307-344-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from roll, knife, and rotogravure coaters and drying ovens of paper, film, and foil coating operations.

R307-344-2. Applicability.

R307-344 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-344-3. Definitions.

The following additional definitions apply to R307-344:

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Foil coating" means a coating applied in a web coating process on any foil substrate other than paper or fabric, including, but not limited to, typewriter ribbons, photographic film, magnetic tape, and metal foil gift wrap, but excluding coatings applied to packaging used exclusively for food and health care products for human and animal consumption.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Paper coating" means uniform distribution of coatings put on paper, film, foils and pressure sensitive tapes regardless of substrate. Related web coating processes on plastic film and decorative coatings on metal foil are included in this definition. Paper coating covers saturation operations as well as coating operations.

"Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Saturation" means dipping the web into a bath.

"Web" means a continuous sheet of substrate.

R307-344-4. VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-344-6.

TABLE 1

Paper, Film, and Foil Coating Limitations
(values in pounds VOC per pound of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC EMISSION RATES
Paper, film and foil	0.08
Pressure sensitive tape and label	0.067

R307-344-5. Work Practices and Recordkeeping.

(1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions. Control techniques and work practices include:

- (a) Using tight fitting covers for open tanks;
 - (b) Using covered containers for solvent wiping cloths;
 - (c) Using collection hoods for areas where solvent is used for cleanup;
 - (d) Minimizing spills of VOC-containing cleaning materials;
 - (e) Conveying VOC-containing materials from one location to another in closed containers or pipes;
 - (f) Cleaning spray guns in enclosed systems; and
 - (g) Using recycled solvents for cleaning.
- (2) All sources subject to R307-344 shall maintain records demonstrating compliance with R307-344-4 and R307-344-5.
- (a) Records shall include, but not limited to, inventory and product data sheets of all coatings and solvents subject to R307-344.
 - (b) These records shall be available to the director upon request.
 - (3) No person shall apply coatings unless these materials are applied with equipment operated according to the manufacturer's specifications, and by the use of one of the following methods:
 - (a) Flow coater;
 - (b) Roll coater;
 - (c) Dip coater;
 - (d) Foam coater;
 - (e) Die coater;
 - (f) Hand application methods;
 - (g) High-volume, low pressure (HVLP) spray; or
 - (h) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
 - (4) All persons shall perform solvent cleaning operations with cleaning materials having VOC content (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) of 0.21 pounds per gallon or less.

R307-344-6. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-344-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-344-6.

Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: VOC emission, paper coating, film coating, foil coating
Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality
R307-345
Fabric and Vinyl Coatings

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 38678
FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 21. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-345. Fabric and Vinyl Coatings.

R307-345-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from fabric and vinyl coating operations, which use roll, knife, or rotogravure coaters and drying ovens.

R307-345-2. Applicability.

R307-345 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-345-3. Definitions.

The following additional definitions apply to R307-345:

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface.

"Fabric coating" means the coating or saturation of a textile substrate with a knife, roll or rotogravure coater to impart characteristics that are not initially present, such as strength, stability, water or acid repellency, or appearance. Fabric coatings can include, but are not limited to, industrial and electrical tapes, tie cord, utility meter seals, imitation leathers, tarpaulins, shoe material, and upholstery fabrics.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Roller coating" the coating material is applied to the moving fabric, in a direction opposite to the movement of the substrate, by hard rubber or steel rolls.

"Rotogravure coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Vinyl coating" means applying a decorative or protective top coat, or printing on vinyl coated fabric or vinyl sheets.

R307-345-4. VOC Content Limits.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-345-6.

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(2) Organosol and plastisol coatings shall not be used to bubble emissions from vinyl printing and top coating.

R307-345-5. Work Practices and Recordkeeping.

(1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions. Control techniques and work practices include:

- (a) Tight fitting covers for open tanks or drums;
- (b) Covered containers for solvent wiping cloths;
- (c) Collection hoods for areas where solvent is used for cleanup;
- (d) Covered mixing tanks; and

(e) Covered hoods and oven routed to add-on control devices, which may include, but are not limited to, after burners, thermal incinerators, catalytic oxidation, or carbon adsorption.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and must be operated in accordance with the manufacturers specifications:

- (a) Foam coat;
- (b) Flow coat;
- (c) Roll coat;
- (d) Dip coat;
- (e) Die coat;
- (f) High-volume, low-pressure (HVLV) spray;
- (g) Hand application methods; or
- (g) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content (excluding compounds not classified as VOC) of 0.21 pounds per gallon or less.

(4) All sources subject to R307-345 shall maintain records demonstrating compliance with R307-345-4 and R307-345-5.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-345.

(b) These records shall be available to the director upon request.

R307-345-6. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-345-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-345-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance

with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, fabric coating, vinyl coating
Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality
R307-346
Metal Furniture Surface Coatings

NOTICE OF CHANGE IN PROPOSED RULE
 DAR FILE NO.: 38679
 FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 23. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-346. Metal Furniture Surface Coatings.
R307-346-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emissions from metal furniture surface coating operations in application areas, flash-off areas, and ovens of metal

furniture coating lines involved in prime and top-coat or single coat operations.

R307-346-2. Applicability.

R307-346 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-346-3. Exemptions.

(1) The requirements of R307-346 do not apply to the following:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Solid-film lubricants;
- (d) Electrical-insulating and thermal-conducting coatings;
- (e) Touch-up and repair coatings; or
- (f) Coating applications utilizing hand-held aerosol cans.

R307-346-4. Definitions.

The following additional definitions apply to R307-346:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Application area" means the area where the coating is applied by spraying, dipping, or flow coating techniques.

"Baked coating" means a coating that is cured at a temperature at or above 194 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term applies to paints, sealants, caulks, inks, adhesives, and maskants.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Maskants" means a material that protects a metal surface during the etching process.

"Metal furniture coating" means the surface coating of any furniture made of metal or any metal part that will be assembled with other metal, wood fabric, plastic, or glass parts to form a furniture piece.

R307-346-5. VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-346-7.

TABLE 1

METAL FURNITURE SURFACE COATING VOC LIMITS
(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2, as applied)

COATING CATEGORY	VOC CONTENT LIMITS	
	Baked	Air Dried
General, One Component	2.3	2.3
General, Multi-Component	2.3	2.8
Extreme High Gloss	3.0	2.8
Extreme Performance	3.0	3.5

Heat Resistant	3.0	3.5
Metallic	3.5	3.5
Pretreatment Coatings	3.5	3.5
Solar Absorbent	3.0	3.5

R307-346-6. Work Practices.

(1) The owner or operator shall:

- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
- (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
- (c) Clean up spills immediately;
- (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
- (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
- (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

- (a) Electrostatic application;
- (b) Electrodeposition;
- (c) Brush coat;
- (d) Flow coat;
- (e) Roll coat;
- (f) Dip coat;
- (g) Continuous coating;
- (h) High-volume, low-pressure (HVLP) spray; or
- (i) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) of 0.21 pounds per gallon or less, unless such cleaning operations are performed within the control of the emission control system of R307-346-7.

(4) All sources subject to R307-346 shall maintain records demonstrating compliance with R307-346-5 and R307-346-6.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-346.

(b) These records shall be available to the director upon request.

R307-346-7. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to

EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-346-7(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-346-7. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, surface coating, metal furniture

Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

**Environmental Quality, Air Quality
 R307-347
 Large Appliance Surface Coatings**

NOTICE OF CHANGE IN PROPOSED RULE
 DAR FILE NO.: 38680
 FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile

organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 26. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR

195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-347. Large Appliance Surface Coatings.
R307-347-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) emissions from large appliance surface coating operations.

R307-347-2. Applicability.

R307-347 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-347-3. Exemptions.

- (1) The requirements of R307-347 do not apply to the following:
- (a) Stencil coatings;
 - (b) Safety-indicating coatings;
 - (c) Solid-film lubricants;
 - (d) Electric-insulating and thermal-conducting coatings;
 - (e) Touch-up and repair coatings; or
 - (f) Coating application utilizing hand-held aerosol cans.

R307-347-4. Definitions.

The following additional definitions apply to R307-347:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means a coating that is cured at a temperature at or above 198 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Large appliances" means doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

R307-347-5. VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-347-7.

TABLE 1

Large Appliance Coating Limitations
 (values in pounds VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC CONTENT LIMITS	
	Baked	Air Dried
General, one component	2.3	2.3
General, multi-component	2.3	2.8
Extreme high gloss	3.0	2.8
Extreme performance	3.0	3.5
Heat resistance	3.0	3.5
Solar absorbent	3.0	3.5
Metallic	3.5	3.5
Pretreatment coatings	3.5	3.5

R307-347-6. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
- (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
 - (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
 - (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
 - (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
 - (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) All sources subject to R307-347 shall maintain records demonstrating compliance with R307-347-5 and R307-347-6.
- (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-347.
- (b) These records shall be made available to the director upon request.
- (3) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency. The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:
- (a) Electrostatic application;
 - (b) Electrodeposition;
 - (c) Brush coat;
 - (d) Flow coat;
 - (e) Roll coat;
 - (f) Dip coat;
 - (g) High-volume, low-pressure (HVLP) spray; or
 - (h) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.
- (4) All persons shall perform solvent cleaning operations with cleaning materials having VOC content (excluding water and

solvents exempt from the definition of volatile organic compounds found in R307-101-2 of 0.21 pounds per gallon or less.

R307-347-7. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-347-7(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-347-7. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, large appliance, surface coating

Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
 (a)

**Environmental Quality, Air Quality
 R307-349**

Flat Wood Panel Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38682

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 30. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-349. Flat Wood Panel Coatings.

R307-349-1. Purpose.

The purpose of R307-349 is to limit volatile organic compound (VOC) emissions from flat wood paneling coating sources.

R307-349-2. Applicability.

R307-349 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-349-3. Definitions.

The following additional definitions apply to R307-349:

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Finishing material" means a coating used in the flat wood panel industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Flat wood paneling" means wood paneling products that are any decorative interior, exterior or tileboard (class I hardboard) panel to which a protective, decorative, or functional material or layer has been applied.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Strippable booth coating" means a coating that is applied to a booth wall to provide a protective film to receive overspray during finishing and that is subsequently peeled and disposed. Strippable booth coatings are intended to reduce or eliminate the need to use organic solvents to clean booth walls.

"Tileboard" means a premium interior wall paneling product made of hardboard that meets the specifications for Class I given by the standard ANSI/AHA A135.4-1995.

R307-349-4. VOC Content Limit.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of 2.1 pounds of VOC per gallon, excluding water and exempt solvents (compounds not classified as VOC). The equivalent emission limit shall be 2.9 pounds VOCs per gallon solids coating; or

(2) Each owner or operator shall use an add-on control device as specified in R307-349-6.

R307-349-5. Work Practice and Recordkeeping.

(1) The owner or operator shall:

(a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

(b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

(c) Clean up spills immediately;

(d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;

(e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and

(f) Minimize usage of solvents during cleaning of storage, mixing, and conveying of equipment.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

(a) Paint brush;

(b) Flow coat;

(c) Roll coat;

(d) Dip coat;

(e) Detailing or touch-up guns;

(f) High-volume, low-pressure (HVLP) spray;

(g) Hand application methods; or

(3) Other application method capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) No person shall use organic solvents for cleaning operations that exceed a VOC content excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2 of 0.21 pounds per gallon and a strippable booth coating with a VOC content in excess of 3.8 pounds per gallon, excluding water and exempt solvents (compounds that are not defined as VOC).

(4) All sources subject to R307-349 shall maintain records demonstrating compliance with R307-349-4 and R307-349-5.

(a) Records should include, but not be limited to, inventory and products data sheets of all coatings and solvents subject to R307-349.

(b) These records shall be available to the Director upon request.

R307-349-6. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-349-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-349-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, flat wood paneling, coatings
Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality
R307-350
Miscellaneous Metal Parts and
Products Coatings

NOTICE OF CHANGE IN PROPOSED RULE
 DAR FILE NO.: 38683
 FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the

area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-350. Miscellaneous Metal Parts and Products Coatings.

R307-350-1. Purpose.

The purpose of R307-350 is to limit volatile organic compound (VOC) emissions from miscellaneous metal parts and products coating operations.

R307-350-2. Applicability.

(1) R307-350 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties where the potential to emit VOC emissions from all miscellaneous metal product parts surface coating operations, including related cleaning activities, is 2.7 tons per year or more.

(2) R307-350 applies to, but is not limited to, the following industries:

(a) Large farm machinery (harvesting, fertilizing, planting, tractors, combines, etc.);

(b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.)

(c) Small appliance (fans, mixers, blenders, crock pots, vacuum cleaners, etc.);

(d) Commercial machinery (computers, typewriters, calculators, vending machines, etc.);

(e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(f) Fabricated metal products (metal covered doors, frames, trailer frames, etc.); and

(g) Any other industrial category that coats metal parts or products under the standard Industrial Classification Code of major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectric machinery), major group 36 (electrical machinery), major group 37 (transportation equipment) major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).

R307-350-3. Exemptions.

(1) The requirements of R307-350 do not apply to the following:

(a) The surface coating of automobiles and light-duty trucks;

(b) Flat metal sheets and strips in the form of rolls or coils;

(c) Surface coating of aerospace vehicles and components;

(d) Automobile refinishing;

(e) The exterior of marine vessels;

(f) Customized top coating of automobiles and trucks if production is less than 35 vehicles per day;

(g) Military munitions manufactured by or for the Armed Forces of the United States;

(h) Operations that are exclusively covered by Department of Defense military technical data and performed by a Department of Defense contractor and/or on site at installations owned and/or operated by the United States Armed Forces; or

(i) Stripping of cured coatings and adhesives.

(2) The requirements of R307-350-5 do not apply to the following:

(a) Stencil coatings;

(b) Safety-indicating coatings;

(c) Solid-film lubricants;

(d) Electric-insulating and thermal-conducting coatings;

(e) Magnetic data storage disk coatings; or

(f) Plastic extruded onto metal parts to form a coating.

(3) The requirements of R307-350-6 do not apply to the following:

(a) Touch-up coatings;

(b) Repair coatings; or

(c) Textured finishes.

R307-350-4. Definitions.

The following additional definitions apply to R307-350:

"Aerospace vehicles and component" means any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft including but not limited to airplanes, helicopters, missiles, rockets and space vehicles.

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above 194 degrees Fahrenheit.

"Camouflage coating" means coatings that are used, principally by the military, to conceal equipment from detection.

"Coating" means a material applied to a substrate for decorative, protective, or functional purposes.

(1) Such materials include, but are not limited to, paints, sealants, liquid plastic coatings, caulks, inks, adhesives, and maskants.

(2) Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances, or paper film or plastic film which may be pre-coated with an adhesive by the film manufacturer, are not considered coatings.

"Coating application System" means all operations and equipment that applies, conveys, and dries a surface coating, including, but not limited to, spray booths, flow coaters, flash off areas, air dryers and ovens.

"Cured coating or adhesive" means a coating or adhesive, which is dry to the touch.

"Department of Defense military technical data" means a specification that specifies design requirements, such as materials to be used, how a requirement is to be achieved, or how an item is to be fabricated or constructed.

"Dip coating" means a method of applying coatings to a substrate by submersion into and removal from a coating bath.

"Electric-insulating varnish" means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Electrostatic application" means a method of applying coating particles or coating droplets to a grounded substrate by electrically charging them.

"Etching filler" mean a coating that contains less than 23% solids by weight and at least 0.5% acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

"Extreme high-gloss coating" means a coating which, when tested by the American Society for Testing Material (ASTM) Test Method D-523 adopted in 1980, shows a reflectance of 75 or more on a 60 degree meter.

"Extreme performance coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Flow coat" means a non-atomized technique of applying coatings to a substrate with a fluid nozzle in a fan pattern with no air supplied to the nozzle.

"Heat-resistant coating" means a coating that must withstand a temperature of at least 400 degrees Fahrenheit during normal use.

"High-performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 605.2-1980.

"High-temperature coating" means a coating that is certified to with-stand a temperature of 1,000 degrees Fahrenheit for 24 hours.

"High-volume, low-pressure (HVLP) spray" means a coating application system which is designed to be operated and which is operated between 0.1 and 10 pounds per square inch gauge (psig) air pressure, measured dynamically at the center of the air cap and the air horns.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating, applied.

"Military specification coating" means a coating applied to metal parts and products and which has a formulation approved by a United States military agency for use on military equipment.

"Mold-seal coating" means the initial coating applied to a new mold or repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

"Pan backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

"Prefabricated architectural component coatings" means coatings applied to metal parts and products that are to be used as an architectural structure or their appurtenances including, but not limited to, hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down-spouts, window screens, lamp-posts, heating and air conditioning equipment, other mechanical equipment, and large fixed stationary tools.

"Pretreatment coating" means a coating which contains no more than 12% solids by weight, and at least 0.5% acid, by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Silicone release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces.

"Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.

"Solid-film lubricant" means a very thin coating consisting of a binder system containing as its chief pigment material one or more of molybdenum disulfide, graphite, polytetrafluoroethylene (PTFE) or other solids that act as a dry lubricant between faying surfaces.

"Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film.

R307-350-5. VOC Content Limits.

(1) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-350-8.

TABLE 1

METAL PARTS AND PRODUCTS VOC CONTENT LIMITS
 (values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC CONTENT LIMITS	
	Air Dried	Baked
General One Component	2.8	2.3
General Multi Component	2.8	2.3
Camouflage	3.5	3.5
Electric-Insulating varnish	3.5	3.5
Etching Filler	3.5	3.5
Extreme High-Gloss	3.5	3.0
Extreme Performance	3.5	3.0
Heat-Resistant	3.5	3.0
High Performance architectural	6.2	6.2
High Temperature	3.5	3.5
Metallic	3.5	3.5
Military Specification	2.8	2.3
Mold-Seal	3.5	3.5
Pan Backing	3.5	3.5
Prefabricated Architectural Multi-Component	3.5	2.3
Prefabricated Architectural One-Component	3.5	2.3
Pretreatment Coatings	3.5	3.5
Repair and Touch Up	3.5	3.0
Silicone Release	3.5	3.5
Solar-Absorbent	3.5	3.0
Vacuum-Metalizing	3.5	3.5
Drum Coating, New, Exterior	2.8	2.8
Drum Coating, New, Interior	3.5	3.5
Drum Coating, Reconditioned, Exterior	3.5	3.5
Drum Coating, Reconditioned, Interior	4.2	4.2

(2) If more than one content limit indicated in this section applies to a specific coating, then the most stringent content limit shall apply.

R307-350-6. Application Methods.

No owner or operator of a facility shall apply VOC containing coatings to metal parts and products unless the coating is applied with equipment operated according to the equipment manufacturer specifications, and by the use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat;
- (3) Dip/electrodeposition coat;
- (4) Roll coat;
- (5) High-volume, low-pressure (HVLP) spray;
- (6) Hand Application Methods;
- (7) Airless or air-assisted airless spray may also be used for metal coatings with a viscosity of 15,000 centipoise or greater, as supplied; or
- (8) Another application method capable of achieving transfer efficiency equivalent or better to HVLP spray, as certified by the manufacturer.

R307-350-7. Work Practices and Recordkeeping.

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions. Control techniques and work practices shall include, but are not limited to:

- (a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
- (b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;
- (c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and
- (d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed container or pipes; and
- (e) Minimizing VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(2) All persons shall perform solvent cleaning operations with cleaning material having VOC content (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) of 0.21 pounds per gallon or less.

(3) All sources subject to R307-350 shall maintain records demonstrating compliance with R307-350-5, R307-350-6, and R307-350-7(2).

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.

(b) These records shall be available to the director upon request.

R307-350-8. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-350-8(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-350-8. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, coatings, miscellaneous metal parts
Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality
R307-352
Metal Container, Closure, and Coil
Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38684
 FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded.

These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 36. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-352. Metal Container, Closure, and Coil Coatings.
R307-352-1. Purpose.

The purpose of this rule is to reduce volatile organic compound (VOC) emissions from the coating of metal coils, cans, pails, and lids in the manufacturing or reconditioning process.

R307-352-2. Applicability.

R307-352 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-352-3. Definitions.

The following additional definitions apply to R307-352:

"Coating" means a protective, functional or decorative film applied in a thin layer to a surface.

"End sealing compound" means a compound which is coated onto can ends and which functions as a gasket when the end is assembled onto the can.

"Exterior body spray" means a coating sprayed on the exterior of the container body to provide a decorative or protective finish.

"Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.

"Metal container or closure coating" means any coating applied to either the interior or exterior of formed metal cans, pails, lids or crowns or flat metal sheets which are intended to be formed into cans, pails, lids or crowns.

"Overvarnish" means a coating applied directly over a design coating to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

"Reconditioned pails or lids" means any metal container which is reused, recycled or remanufactured.

"Three-piece can side-seam coating" means a coating sprayed on the exterior and/or interior of a welded, cemented or soldered seam to protect the exposed metal.

"Two-piece can exterior-end coating" means a coating applied to the exterior bottom end of a can to reduce the coefficient of friction and to provide protection to the metal.

R307-352-4. VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-352-6.

TABLE 1

METAL CONTAINER AND CLOSURE COIL COATING LIMITATIONS
 (values in pounds VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC CONTENT LIMITS
CANS	
Sheet basecoat (interior and exterior) and overvarnish	1.9
Two-piece can exterior basecoat, overvarnish, and end coating	2.1
Interior body spray	
Two-piece cans	3.5
Three-piece cans	3.0
Three-piece can side seam spray	5.5
End sealing compound: Food cans, non-food cans, and beverage cans	
Exterior body spray	0.1
	3.5
PAILS AND LIDS	
Body spray	
Reconditioned interior	4.2
Reconditioned exterior	3.5
New interior	3.5
New exterior	2.8
End sealing compound	0.5
Inks, all applications	2.5
Coil	
Coil coating	1.7

R307-352-5. Work Practices and Recordkeeping.

(1) The owner or operator shall:

(a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;

(b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;

(c) Clean up spills immediately;

(d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;

(e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and

(f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.

(2) No person shall apply any coating unless the coating application method achieves a demonstrated 65% transfer efficiency.

The following applications achieve a minimum of 65% transfer efficiency and shall be operated in accordance with the manufacturers specifications:

- (a) Electrostatic application;
- (b) Flow coat;
- (c) Roll coat;
- (d) Dip coat;
- (e) High-volume, low-pressure (HVLV) spray;
- (f) Hand application methods;
- (g) Printing techniques; or
- (h) Other application method capable of achieving at least

65% transfer efficiency, as certified by the manufacturer.

(3) All persons shall perform solvent cleaning operations with cleaning material having VOC content (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) of 0.21 lb/gallon or less.

(4) All sources subject to R307-352 shall maintain records demonstrating compliance with R307-352-4 and R307-352-5.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-352.

(b) These records shall be made available to the director upon request.

R307-352-6. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-352-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-352-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, metal containers, coil coatings

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality **R307-353** Plastic Parts Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38685

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM_{2.5} State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 39. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.**R307-353. Plastic Parts Coatings.****R307-353-1. Purpose.**

The purpose of this rule is to limit volatile organic compound (VOC) emissions from the application of coatings to any plastic product.

R307-353-2. Applicability.

R307-353 applies to plastic parts coating operations located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber

counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

R307-353-3. Exemptions.

(1) The provisions of this rule shall not apply to any of the following:

- (a) Stencil coatings;
- (b) Safety-indicating coatings;
- (c) Electric-insulating and thermal-conducting coatings;
- (d) Magnetic data storage disk coatings;
- (e) Plastic extruded onto metal parts to form a coating; and
- (f) Textured finishes.

(2) If a coating line is subject to the requirements for existing automobile, light-duty truck, and other product and material coatings or for existing metallic surface coating lines, the coating line shall be exempt from this rule.

R307-353-4. Definitions.

The following additional definitions apply to R307-353:

"Air dried coating" means coatings that are dried by the use of air or a forced warm air at temperatures up to 194 degrees Fahrenheit.

"Baked coating" means coatings that are cured at a temperature at or above 194 degrees Fahrenheit.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels. It is also used to refer to films applied to paper, plastics, or foil.

"Electric-insulating and thermal-conducting" means a coating that displays an electrical insulation of at least 1000 volts DC per mil on a flat test plate and an average thermal conductivity of at least 0.27 BTU per hour-foot-degree-Fahrenheit.

"Magnetic data storage disk coating" means a coating used on a metal disk which stores data magnetically.

"Metallic coating" means a coating which contains more than 5 grams of metal particles per liter of coating as applied.

"Military specification coating" means a coating which has a formulation approved by a United States military agency for use on military equipment.

"Mirror backing" means the coating applied over the silvered surface of a mirror.

"Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

"Multi-colored coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

"One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner necessary to reduce the viscosity is not considered a component.

"Optical coating" means a coating applied to an optical lens.

"Plastic" means a substrate containing one or more resins that may be solid, porous, flexible, or rigid, and includes fiber reinforced plastic composites.

"Primer" means a coating applied to a surface to provide a firm bond between the substrate and subsequent coats.

"Repair coating" means a coating used to recoat portions of a part or product which has sustained mechanical damage to the coating.

"Roller Coated" means a type of coating application equipment that utilizes a series of mechanical rollers to form a thin coating film on the surface of a roller, which is then applied to a substrate by moving the substrate underneath the roller.

"Safety-indicating coating" means a coating which changes physical characteristics, such as color, to indicate unsafe condition.

"Stencil coating" means an ink or a coating which is rolled or brushed onto a template or stamp in order to add identifying letters or numbers to metal parts and products.

"Textured finish" means a rough surface produced by spraying and splattering large drops of coating onto a previously applied coating. The coatings used to form the appearance of the textured finish are referred to as textured coatings.

"Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

R307-353-5. VOC Content Limits.

(1) For automobile and truck plastic parts coating lines:

(a) Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-353-8.

(b) For red and black coatings, the emission limitation shall be determined by multiplying the appropriate limit in Table 1 by 1.15.

(c) When EPA Method 24 is used to determine the VOC content of a high bake coating, the applicable emission limitation shall be determined by adding 0.5 to the appropriate limit in Table 1.

(d) When EPA Method 24 is used to determine the VOC content of an air-dried coating, the applicable emission limitation shall be determined by adding 0.1 to the appropriate limit in Table 1.

TABLE 1

AUTOMOBILE AND TRUCK PLASTIC PARTS COATING LINES
(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC Content Limitations
High bake coating - exterior and interior parts	
Prime	
Flexible coating	4.5
Nonflexible coating	3.5
Topcoat	
Basecoat	4.3
Clearcoat	4.0
Non-basecoat/clearcoat	4.3

Air-dried coating - exterior parts

Prime	4.8
Topcoat	
Basecoat	5.0
Clearcoat	4.5
Non-basecoat/clearcoat	5.0
Air-dried coating - interior parts	5.0
Touch-up and repair	5.2

(2) Each owner or operator of a business machine plastic parts coating line shall not apply coatings with a VOC content in excess of the amounts specified in Table 2 or shall use an add-on control device as specified in R307-353-8.

TABLE 2

BUSINESS MACHINE PLASTIC PARTS COATING LINES
(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2) [?], as applied)

COATING CATEGORY	VOC Content Limitations
Prime	2.9
Topcoat	2.9
Texture coat	2.9
Fog coat	2.2
Touch-up and repair	2.9

(3) Each owner or operator engaged in other plastic product coating operations shall not apply coatings with a VOC content in excess of the amounts specified in Table 3 or shall use an add-on control device as specified in R307-353-8.

TABLE 3

OTHER PLASTIC PRODUCT COATING CATEGORIES
(values in pounds of VOC per gallon of coating, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

COATING CATEGORY	VOC Content Limitations
General One-Component	2.3
General Multi-Component	3.5
Electric Dissipating Coatings And Shock-Free Coatings	3.0
Extreme Performance	3.5 (2-pack coatings)
Metallic	3.5
Military Specification	2.8 (1 pack) 3.5 (2 pack)
Mold-Seal	6.3

Multi-colored Coatings	5.7
Optical Coatings	6.7
Vacuum-Metalizing	6.7
Mirror Backing	
Curtain Coated	4.2
Roll Coated	3.6

(4) If a part consists of both plastic and metal surfaces and is exempted from the requirements for existing metallic surface coating lines, the part shall be subject to this rule.

R307-353-6. Application Methods.

No person shall apply VOC containing coatings unless the coating is applied with equipment operated according to the manufacturer specifications, and by use of one of the following methods:

- (1) Electrostatic application;
- (2) Flow coat;
- (3) Roller coat;
- (4) Dip/electrodeposition coat;
- (5) Airless Spray;
- (6) High-volume, low-pressure (HVLP) spray; or
- (7) Other application method equal to or better than HVLP, as certified by the manufacturer.

R307-353-7. Work Practices and Recordkeeping.

- (1) The owner or operator shall:
 - (a) Store all VOC-containing coatings, thinners, and cleaning materials in closed containers;
 - (b) Minimize spills of VOC-containing coatings, thinners, and cleaning materials;
 - (c) Clean up spills immediately;
 - (d) Convey any coatings, thinners, and cleaning materials in closed containers or pipes;
 - (e) Close mixing vessels that contain VOC coatings and other materials except when specifically in use; and
 - (f) Minimize usage of solvents during cleaning of storage, mixing, and conveying equipment.
- (2) All persons shall perform solvent cleaning operations with cleaning material having VOC content (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) of 0.21 pounds per gallon or less.
- (3) All sources subject to R307-353 shall maintain records demonstrating compliance with R307-353-5, R307-353-6 and R307-353-7(2).
 - (a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-350.
 - (b) These records shall be made available to the director upon request.

R307-353-8. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency.

Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-353-8(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-353-8. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, emission controls, coatings, plastic parts

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(a)

Environmental Quality, Air Quality **R307-354**

Automotive Refinishing Coatings

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38686

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded.

These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition. Additionally, a question was raised regarding an apparent conflict in Rules R307-357 and R307-354.

SUMMARY OF THE RULE OR CHANGE: The changes clarify that exempt compounds are not VOC by definition and that automotive spray gun solvent cleaners that are defined as a "consumer product" under Rule R307-357 are exempt from the vapor pressure requirement and are regulated under Rule R307-357. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 42. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition and that automotive spray gun solvent cleaners that are defined as a "consumer product" under Rule R307-357 are exempt from the vapor pressure

requirement and are regulated under Rule R307-357. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition and that automotive spray gun solvent cleaners that are defined as a "consumer product" under Rule R307-357 are exempt from the vapor pressure requirement and are regulated under Rule R307-357. This change should not have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.
 R307-354. Automotive Refinishing Coatings.
 R307-354-1. Purpose.**

The purpose of R307-354 is to limit volatile organic compound emissions (VOC) from automotive refinishing sources.

R307-354-2. Applicability.

(1) R307-354 applies to sources located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

(2) The requirements of R307-354 shall not apply to any canned aerosol coating products.

R307-354-3. Definitions.

The following additional definitions apply to R307-354:
 "Adhesion promoter" means a coating which is labeled and formulated to be applied to uncoated plastic surfaces to facilitate bonding of subsequent coatings, and on which, a subsequent coating is applied.

"Automotive" means passenger cars, vans, motorcycles, trucks, buses, golf carts and all other mobile equipment.

"Automotive refinishing" means the process of coating automobiles, after-market automobiles, motorcycles, light and medium-duty trucks and vans that are performed in auto body shops, auto repair shops, production paint shops, new car dealer repair and paint shops, fleet operation repair and paint shops, and any other

facility which coats vehicles under the Standard Industrial Classification Code 7532 (Top, Body and Upholstery Repair Shops and Paint Shops). This includes dealer repair of vehicles damaged in transit. It does not include refinishing operations for other types of mobile equipment, such as farm machinery and construction equipment or their parts, including partial body collision repairs, that is subsequent to the original coating applied at an automobile original equipment manufacturing plant.

"Clear coating" means any coating that contains no pigments and is labeled and formulated for application over a color coating or clear coating.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Color coating" means any pigmented coating, excluding adhesion promoters, primers, and multi-color coatings, that requires a subsequent clear coating and which is applied over a primer, adhesion promoter, or color coating. Color coatings include metallic and iridescent color coatings.

"Enclosed paint gun cleaner" means a cleaner consisting of a closed container with a door or top that can be opened and closed and fitted with cleaning connections. The spray gun is attached to a connection, and solvent is pumped through the gun and onto the exterior of the gun. Cleaning solvent falls back into the cleaner's solvent reservoir for recirculation.

"Metallic/Iridescent color coating" means a coating which contains iridescent particles, composed of either metal as metallic particles or silicon as mica particles, in excess of 0.042 pounds per gallon as applied, where such particles are visible in the dried film.

"Multi-color coating" means a coating which exhibits more than one color when applied, and which is packaged in a single container and applied in a single coat.

"Non-enclosed paint gun cleaner" means cleaner consisting of a basin similar to a sink in which the operator washes the outside of the gun under a solvent stream. The gun cup is filled with recirculated solvent, the gun tip is placed into a canister attached to the basin, and suction draws the solvent from the cup through the gun. The solvent gravitates to the bottom of the basin and drains through a small hole to a reservoir that supplies solvent to the recirculation pump.

"Pretreatment coating" means a coating which contains no more than 16% solids, by weight, and at least 0.5% acid, by weight, is used to provide surface etching, and is applied directly to bare metal surfaces to provide corrosion resistance and promote adhesion for subsequent coatings.

"Primer" means any coating which is labeled and formulated for application to a substrate to provide a bond between the substrate and subsequent coats; corrosion resistance; a smooth substrate surface; or resistance to penetration of subsequent coats, and on which a subsequent coating is applied. Primers may be pigmented.

"Single-stage coating" means any pigmented coating, excluding primers and multi-color coatings, labeled and formulated for application without a subsequent clear coat. Single-stage coatings include single-stage metallic/iridescent coatings.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Temporary protective coating" means any coating which is labeled and formulated for the purpose of temporarily protecting areas from overspray or mechanical damage.

"Topcoat" means any coating or series of coatings applied over a primer or an existing finish for the purpose of protection or beautification.

"Truck bed liner coating" means any coating, excluding clear, color, multi-color, and single-stage coatings, labeled and formulated for application to a truck bed to protect it from surface abrasion.

"Underbody coating" means any coating labeled and formulated for application to wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, or the underside of the motor vehicle.

"Uniform finish coating" means any coating labeled and formulated for application to the area around a spot repair for the purpose of blending a repaired area's color or clear coat to match the appearance of an adjacent area's existing coating. Prior to May 1, 2013, this coating category may be referred to as uniform finish blenders.

"Uniform finish blender" means a coating designed to blend a repaired topcoat into an existing topcoat.

R307-354-4. VOC Content Limits.

Each owner or operator shall not apply coatings with a VOC content in excess of the amounts specified in Table 1 or shall use an add-on control device as specified in R307-354-6.

TABLE 1

AUTOMOTIVE REFINISHING VOC LIMITS
(values in pounds of VOC per gallon of coating, minus water and exempt solvent (compounds not defined as VOC in R307-101-2), as applied)

COATING CATEGORY	VOC CONTENT LIMITS
Adhesion Promoter	4.5
Clear Coating	2.1
Color Coating	3.5
Multi-color Coating	5.7
Pretreatment Coating	5.5
Primer	2.1
Primer Sealer	2.1
Single-stage Coating	2.8
Temporary Protective Coating	0.5
Truck Bed Liner Coating	2.6
Underbody Coating	3.6
Uniform Finish Coating	4.5
Any Other Coating Type	2.1

R307-354-5. Work Practice and Recordkeeping.

(1) Control techniques and work practices are to be implemented at all times to reduce VOC emissions. Control techniques and work practices include:

- (a) Tight fitting covers for open tanks;
- (b) Covered containers for solvent wiping cloths;
- (c) Collection hoods for areas where solvent is used for cleanup;
- (d) Minimizing spill of VOC-containing cleaning materials;
- (e) Conveying VOC-containing materials from one location to another in closed containers or pipes; and
- (f) Cleaning spray guns in enclosed systems or in a non-enclosed paint gun cleaning process may be used if the vapor pressure of the cleaning solvent (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) is less than 100 mm Hg at 68 degrees Fahrenheit and the solvent is directed towards a drain that leads directly to an enclosed remote reservoir. Automotive spray gun solvent cleaners that are defined as a "consumer product" under R307-357 are exempt from the vapor pressure requirement and are regulated under the requirements in R307-357.

(2) Application equipment requirements:

- (a) A person shall not apply any coating to an automotive part or component unless the coating application method achieves a demonstrated 65% transfer efficiency.
- (b) The following coating application methods have been demonstrated to achieve a minimum of 65% transfer efficiency:
 - (i) Brush, dip or roll coating operated in accordance with the manufacturers specifications;
 - (ii) Electrostatic application equipment operated in accordance with the manufacturers specifications; and
 - (iii) High Volume, Low Pressure spray equipment operated in accordance with the manufacturers specifications.
- (c) Other coating application methods may be used that have been demonstrated to be capable of achieving at least 65% transfer efficiency, as certified by the manufacturer.

(3) All sources subject to R307-354 shall maintain records demonstrating compliance with R307-354-4 and R307-354-5.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-354.

(b) These records shall be available to the director upon request.

R307-354-6. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 90% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-354-6(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-354-6. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, automotive refinishing, VOC, coatings

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality R307-355 Control of Emissions from Aerospace Manufacture and Rework Facilities

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38687

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The EPA has indicated its intention to approve the area source coatings rules for the PM2.5 State Implementation Plan as reasonable available control technology (RACT), but not until: 1) they are amended to clarify that the amount of control removal specified in each rule is based on the entire system, and 2) the inspection and recordkeeping requirements for these systems are expanded. These changes were proposed to this and 13 other air quality area source rules, and a 30-day public comment period was held. During the public comment period, several inquiries were made regarding why the rules do not permit the use of exempt solvents for cleaning. The definition of "volatile organic compound (VOC)" found in Section R307-101-2 incorporates the definition of VOC found in 40 CFR 51.100(s) (1). This definition does permit the use of exempt compounds for cleaning; however, this allowance is not explicitly stated in this or the other proposed area source rules. The change to the proposed rule is to specify that exempt compounds are not VOC by definition.

SUMMARY OF THE RULE OR CHANGE: The change clarifies that exempt compounds are not VOC by definition. (DAR NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the August 1, 2014, issue of the Utah State Bulletin, on page 45. 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 CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change is to add clarifying language and does not change any of the rule requirements; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change is to add language to clarify that exempt compounds are not VOC by definition. This change does not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is to add language to clarify that exempt compounds are not VOC by definition. This change will not have a fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/01/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-355. Control of Emissions from Aerospace Manufacture and Rework Facilities.

R307-355-1. Purpose.

The purpose of R307-355 is to limit the emissions of volatile organic compounds (VOCs) from aerospace coatings and adhesives, from organic solvent cleaning, and from the storage and disposal of solvents and waste solvent materials associated with the use of aerospace coatings and adhesives.

R307-355-2. Applicability.

R307-355 applies to all aerospace manufacture and rework facilities that have the potential to emit 10 tons or more per year of VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Utah, Tooele and Weber counties.

R307-355-3. Exemptions.

- (1) R307-355 does not apply:
 - (a) Where cleaning and coating takes place in research and development, quality control, laboratory testing and electronic parts and assemblies, except for cleaning and coating of completed assemblies;
 - (b) To manufacturing or rework operations involving space vehicles; and
 - (c) To rework operations performed on antique aerospace vehicles or components.

R307-355-4. Definitions.

The following additional definitions apply to R307-355:
 "Aerospace manufacture" and "rework facility" means any installation that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component.
 "Antique aerospace vehicle or component" means an aircraft or component thereof that was built at least 30 years ago and would not routinely be in commercial or military service in the capacity for which it was designed.
 "Chemical milling maskants" means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant.
 "Exempt solvents" means organic chemicals that are not defined as VOC.

"General aviation rework facility" means any aerospace installation with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

"Low vapor pressure hydrocarbon-based cleaning solvent" means a cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and has a maximum vapor pressure of 7 mm Hg at 68 degrees Fahrenheit. These cleaners must not contain hazardous air pollutants.

"Space vehicle" means a man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, mold, jigs, tooling, hardware jackets and test coupons. Also included, auxiliary equipment associated with test, transport and storage that through contamination can compromise the space vehicle performance.

"Specialty coating" means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications.

(1) These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(2) Individual specialty coatings are defined in Appendix A of 40 CFR 63 subpart GG, which is incorporated by reference.

"Topcoat" means a coating that is applied over a primer or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

R307-355-5. VOC Content Limits.

(1) The owner or operator shall not apply coatings to aerospace vehicles or components with a VOC content in excess as follows:

(a) 2.9 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers;

(b) 3.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limit shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats);

(c) 5.2 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskant;

(d) 1.3 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants; and

(e) Emissions of VOCs from specialty coatings in excess of the amounts specified in EPA-453/R-97-004, December 1997, page B-2, hereby incorporated by reference.

(2) The owner or operator may alternatively comply with R307-355-5(1)(a) through (d) by using an add-on control device as specified in R307-355-9.

(3) The following coating applications are exempt from the VOC content limits in R307-355-5(1);

- (a) Touchup and repair operations.
- (b) Use of hand-held spray can application method.
- (c) Department of Defense classified coatings.
- (d) Coatings of space vehicles.

(e) Facilities that use separate formulations in volumes of less than 50 gallons per year subject to a maximum exemption of 200 gallons total for such formulations applied annually.

R307-355-6. Application Method.

(1) No owner or operator shall apply any primer or topcoat unless the primer and topcoat is applied with equipment operated according to the equipment manufacturer specifications or by the use of one of the following methods:

- (a) Electrostatic application;
- (b) Flow/curtain coat;
- (c) Dip/electrodeposition coat;
- (d) Roll coat;
- (e) Brush coating;
- (f) cotton-tipped swab application;
- (g) High-Volume, Low-Pressure (HVLP) Spray;
- (h) Hand Application Methods; or
- (i) Other coating application methods that achieve emission

reductions equivalent to HVLP or electrostatic spray application methods, as determined according to the requirements in 40 CFR 63.750(i).

(2) The following conditions are exempt from R307-355-6(1):

(a) Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces.

(b) The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in R307-355-6.

(c) The application of coatings that normally have dried film thickness of less than 0.0013 centimeters (0.0005 inches) and that cannot be applied by any of the application methods specified in R307-355-6.

(d) The use of airbrush application methods for stenciling, lettering, and other identification markings.

(e) The use of hand-held spray can application methods.

(f) Touch-up and repair operations.

(g) Application of specialty coatings.

R307-355-7. Work Practices and Recordkeeping.

(1) Control techniques and work practices shall be implemented at all times to reduce VOC emissions. Control techniques and work practices shall include, but are not limited to:

(a) Storing all VOC-containing coatings, adhesives, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, adhesives, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, adhesives, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, adhesives, thinners, and coating-related waste materials from one location to another in closed container or pipes.

(2) All sources subject to R307-355 shall maintain records demonstrating compliance with R307-355-5, R307-355-6 and R307-355-8.

(a) Records shall include, but not be limited to, inventory and product data sheets of all coatings and solvents subject to R307-355.

(b) These records shall be available to the Director upon request.

R307-355-8. Solvent Cleaning.

(1) Hand-wipe cleaning. Cleaning solvents (excluding water and solvents exempt from the definition of volatile organic compounds found in R307-101-2) used in hand-wipe cleaning operations shall meet one of the following requirements:

- (a) Have a VOC composite vapor pressure less than or equal to 45 mm Hg at 68 degrees Fahrenheit;
- (b) Have an aqueous cleaning solvent in which water is at least 80% of the solvent as applied; or
- (c) Have a low vapor pressure hydrocarbon-based cleaning solvent.

(2) The following exemptions apply:

(a) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen.

(b) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, hydrazine).

(c) Cleaning and surface activation prior to adhesive bonding.

(d) Cleaning of electronics parts and assemblies containing electronics parts.

(e) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems.

(f) Cleaning of fuel cells, fuel tanks, and confined spaces.

(g) Surface cleaning of solar cells, coated optics, and thermal control surfaces.

(h) Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used on the interior of the aircraft.

(i) Cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components.

(j) Cleaning of aircraft transparencies, polycarbonate, or glass substrates.

(k) Cleaning and solvent usage associated with research and development, quality control, or laboratory testing.

(l) Cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems.

(3) Flush cleaning. Cleaning solvents used in flush cleaning of parts, assemblies and coating unit components must be emptied into an enclosed container or collection system that is kept closed when not in use.

(4) Spray gun cleaning. All spray guns shall be cleaned by one or more of the following methods:

(a) Enclosed system that is closed at all times except when inserting or removing the spray gun. If leaks in the system are found, repairs shall be made as soon as practicable, but no later than 15 days after the leak was found. If the leak is not repaired by the 15th day, the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

(b) Nonatomized cleaning.

(i) Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place.

(ii) No atomizing air is to be used.

(iii) The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use.

(c) Disassembled spray gun cleaning.

(i) Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except when in use.

(ii) Spray gun components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components.

(d) Atomizing spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.

(e) Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from these requirements.

R307-355-9. Add-On Controls Systems Operations.

(1) The owner or operator shall install and maintain an incinerator, carbon adsorption, or any other add-on emission control system, provided that the emission control system is operated and maintained in accordance with the manufacturer recommendations in order to maintain at least 81% capture and control efficiency. Determination of overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

(2) The owner or operator of a control system shall provide documentation that the emission control system will attain the requirements of R307-355-9(1).

(3) The owner or operator shall maintain records of key system parameters necessary to ensure compliance with R307-355-9. Key system parameters may include, but are not limited to, temperature, pressure and flow rates. Operator inspection schedule, monitoring, recordkeeping, and key parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(4) The owner or operator shall maintain for a minimum of two years records of operating and maintenance sufficient to

demonstrate that the equipment is being operated and maintained in accordance with the manufacturer recommendations.

KEY: air pollution, coating, aerospace

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality **R307-501** Oil and Gas Industry: General Provisions

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38579

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed this new rule, R307-502, for public comment on 06/04/2014. A 30-day public comment period was held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule.

SUMMARY OF THE RULE OR CHANGE: Definitions for "oil well" and "oil transmission" are added. The applicability section has been changed by removing the word "distribution" and clarifying that the rule applies to oil and natural gas exploration, production, and transmission operations. (DAR NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the July 1, 2014, issue of the Utah State Bulletin, on page 39. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The changes to the rule are to add definitions and to clarify the rule applicability. They do not affect the state; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The changes to the rule are to add definitions and to clarify the rule applicability. The changes do not apply to local government; therefore, there are no anticipated costs or savings.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses, as the changes merely add definitions and clarify the rule applicability.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities, as the changes merely add definitions and clarify the rule applicability.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons associated with these changes. The changes were to add definitions and clarify the rule applicability.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to the rule should not have a fiscal impact on businesses. The changes were to add definitions and clarify the rule applicability.

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

ENVIRONMENTAL QUALITY

AIR QUALITY

FOURTH FLOOR

195 N 1950 W

SALT LAKE CITY, UT 84116-3085

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality.

R307-501. Oil and Gas Industry: General Provisions.

R307-501-1. Purpose.

R307-501 establishes general requirements for prevention of emissions and use of good air pollution control practices for all oil and natural gas exploration and production operations, well production facilities, natural gas compressor stations, and natural gas processing plants.

R307-501-2. Definitions.

(1) The definitions in 40 CFR 60, Subpart OOOO Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, which is incorporated by reference in R307-210 apply to R307-501.

(2) "Well production facility" means all equipment at a single stationary source directly associated with one or more oil wells or gas wells. This equipment includes, but is not limited to, equipment used for production, extraction, recovery, lifting, stabilization, storage, separation, treating, dehydration, [artificial lift,] combustion, compression, pumping, metering, monitoring, and flowline.

(3) "Oil well" means an onshore well drilled principally for the production of crude oil.

(4) "Oil transmission" means the pipelines used for the long distance transport of crude oil, condensate, or intermediate hydrocarbon liquids (excluding processing). Specific equipment used in transmission includes, but is not limited to, the land, mains, valves, meters, boosters, regulators, storage vessels, dehydrators, pumps and compressors, and their driving units and appurtenances. The transportation of oil or natural gas to end users is not included in the definition of "transmission".

R307-501-3. Applicability.

(1) R307-501 applies to all oil and natural gas exploration, production, [~~distribution,~~]and transmission operations; well production facilities; natural gas compressor stations; and natural gas processing plants in Utah.

(2) R307-501 does not apply to oil refineries.

R307-501-4. General Provisions.

(1) General requirements for prevention of emissions and use of good air pollution control practices.

(a) All crude oil, condensate, and intermediate hydrocarbon liquids collection, storage, processing and handling operations, regardless of size, shall be designed, operated and maintained so as to minimize emission of volatile organic compounds to the atmosphere to the extent reasonably practicable.

(b) At all times, including periods of start-up, shutdown, and malfunction, the installation and air pollution control equipment shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions.

(c) Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the director, which may include, but is not limited to, monitoring results, infrared camera images, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(2) General requirements for air pollution control equipment.

(a) All air pollution control equipment shall be operated and maintained pursuant to the manufacturing specifications or equivalent to the extent practicable and consistent with technological limitations and good engineering and maintenance practices.

(b) The owner or operator shall keep manufacturer specifications or equivalent on file.

(c) In addition, all such air pollution control equipment shall be adequately designed and sized to achieve the control efficiency rates established in rules or in approval orders issued under R307-401 and to handle reasonably foreseeable fluctuations in emissions of VOCs during normal operations. Fluctuations in emissions that occur when the separator dumps into the tank are reasonably foreseeable.

KEY: air pollution, oil, gas

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(a)

Environmental Quality, Air Quality
R307-502
 Oil and Gas Industry: Pneumatic
 Controllers

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38580

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed this new rule, R307-502, for public comment on 06/04/2014. A 30-day public comment period was held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. The comments made by the Western Energy Alliance and the Utah Petroleum association raised concerns regarding adopting the NSPS standards in their entirety.

SUMMARY OF THE RULE OR CHANGE: Section R307-502-5 is modified to mirror the NSPS requirements to report high-bleed controllers that could not be replaced rather than reporting all controllers that were replaced. This is consistent with the intent of the rule to accelerate implementation of the NSPS requirements rather than establishing new requirements for pneumatic devices. (DAR NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the July 1, 2014, issue of the Utah State Bulletin, on page 40. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR 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: Subsection 12-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The change in the rule to require the reporting of high-bleed controllers that could not be replaced rather than the reporting of all controllers there were replaced does not place any additional requirements on the state; therefore, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The change in the rule to require the reporting of high-bleed controllers that could not be replaced rather than the reporting of all controllers there were replaced does not place any additional requirements on local government; therefore, there are no anticipated costs or savings.

♦ **SMALL BUSINESSES:** In the original notice of proposed rule published in the Bulletin on July 1, 2014, DAQ stated that the rule does not apply to small businesses and therefore there were no anticipated costs or savings. That statement that the rule does not apply to small businesses was incorrect as there are many oil and natural gas producers in Utah that the rule applies to. Therefore, this rule does apply to small businesses, and while there is an initial cost to replace pneumatic controllers, there is also a benefit to the operators as the natural gas is recaptured and can be sold as product. EPA's Natural GAs STar Program estimates a cost of \$2,104 to replace an existing high-bleed controller. More recently, Colorado estimated initial costs of \$1,420 to replace each high-bleed pneumatic controller. At current natural gas prices, the new devices will pay for themselves in about 1 1/2 to 2 years and will then continue to provide on-going savings to the company. Additionally, the change in the reporting requirements in this rulemaking action should result in a minimal amount of savings to small businesses, as they will now be required to report only the high-bleed controllers that could not be replaced rather than report all controllers there were replaced.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The change in the rule to require the reporting of high-bleed controllers that could not be replaced rather than the reporting of all controllers there were replaced does not place any additional requirements on persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change in proposed rule should not result in any additional compliance costs. In fact, it should slightly reduce compliance costs as sources would only be required to report high-bleed controllers that could not be replaced rather than report all controllers that were replaced.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change in proposed rule should not result in any additional compliance costs. In fact, it should slightly reduce compliance costs as sources would only be required to report high-bleed controllers that could not be replaced rather than report all controllers there were replaced.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality.

R307-502. Oil and Gas Industry: Pneumatic Controllers.

R307-502-1. Purpose.

(1) The purpose of R307-502 is to reduce emissions of volatile organic compounds from pneumatic controllers that are associated with oil and gas operations.

(2) The rule requires existing pneumatic controllers to meet the standards established for new controllers in 40 CFR Part 60, Subpart OOOO.

R307-502-2. Definitions.

(1) The definitions in 40 CFR 60, Subpart OOOO Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution, which is incorporated by reference in R307-210 apply to R307-502.

(2) "Existing pneumatic controller" means a pneumatic controller affected facility as described in 40 CFR 60.5365(d)(1) through (3) that was constructed, modified, or reconstructed prior to October 15, 2013.

R307-502-3. Applicability.

R307-502 applies to the owner or operator of any existing pneumatic controller in Utah.

R307-502-4. Retrofit Requirements.

(1) Effective December 1, 2015, all existing pneumatic controllers in Duchesne County or Uintah County shall meet the standards established for pneumatic controller affected facilities that are constructed, modified or reconstructed on or after October 15, 2013, as specified in 40 CFR 60, Subpart OOOO Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

(2) Effective April 1, 2017 all existing pneumatic controllers in Utah shall meet the standards established for pneumatic controller affected facilities that are constructed, modified or reconstructed on or after October 15, 2013 as specified in 40 CFR 60, Subpart OOOO Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.

R307-502-5. Documentation Required.

~~[The owner or operator shall identify all existing pneumatic controller facilities that were replaced or retrofitted to meet the requirements of R307-502-4 in the annual report required under 40 CFR 60.5420.](1) The tagging requirements in 40 CFR 60.5390(b)(2) and 40 CFR 60.5390(c)(2), incorporated by reference in R307-210, are modified to not require the month and year of installation, reconstruction or modification for existing pneumatic controllers.~~

(2) The recordkeeping requirements in 40 CFR 60.5420(c)(4)(i), incorporated by reference in R307-210, are modified to not require records of the date of installation or manufacturer specifications for existing pneumatic controllers.

KEY: air pollution, oil, gas, pneumatic controllers
Date of Enactment or Last Substantive Amendment: 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)
(a)

Environmental Quality, Air Quality
R307-503
Oil and Gas Industry: Flares

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38581

FILED: 10/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board proposed this new rule, R307-503, for public comment on 06/04/2014. A 30-day public comment period was held, during which the Division of Air Quality (DAQ) received comments that resulted in changes being made to the originally proposed rule. The comments received asked for certain terms to be defined and raised concerns regarding the cost to install an auto-ignitor on an open flare. Retrofits were limited to enclosed flares in response to this comment.

SUMMARY OF THE RULE OR CHANGE: Definitions for "enclosed flare", "flare", and "open flare" are added to the rule. The rule is also modified to require retrofits only on enclosed flares. The applicability date for all new flares has been changed to 01/01/2015 to reflect the expected effective date of this rule. (DAR NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the July 1, 2014, issue of the Utah State Bulletin, on page 42. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The changes made to this rule do not apply to the state; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The changes made to this rule do not apply to local government; therefore, there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** In the original notice of proposed rule published in the Bulletin on July 1, 2014, DAQ stated that the rule does not apply to small businesses and therefore there were no anticipated costs or savings. That statement was incorrect as there are many oil and natural gas

producers in Utah that the rule applies to. Colorado estimated a cost of \$2,348 to retrofit an existing flare with an auto igniter, with an annualized cost of \$475. The overall cost effectiveness of the retrofit was \$302/ton of VOC reduced. Because the change in proposed rule removes the requirement to retrofit existing open flares, there will be a savings; however, it is difficult to determine how many open flares will now no longer be required to be retrofitted.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The changes to this rule do not apply to persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change results in a reduction of compliance costs for affected persons because it removes the requirement to retrofit existing open flares. The number of open flares that will no longer need to be retrofitted is unknown, so the reduction in compliance costs is unknown.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change results in a reduction of compliance costs for affected persons because it removes the requirement to retrofit existing open flares. The number of open flares that will no longer need to be retrofitted is unknown, so the reduction in compliance costs is unknown.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 12/02/2014

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality.

R307-503. Oil and Gas Industry: Flares.

R307-503-1. Purpose.

R307-503 establishes conditions to ensure that ~~[combustion devices]~~ flares used in the oil and gas industry are operated effectively.

R307-503-2. Definitions.

(1) "Auto igniter" means a device which will automatically attempt to relight the pilot flame ~~[in the combustion chamber of a control device]~~ of a flare in order to combust volatile organic compound emissions.

(2) "Enclosed flare" means a flare that has an enclosed flame.

(3) "Flare" means a thermal oxidation system designed to combust hydrocarbons in the presence of a flame.

(4) "Open flare" means a flare that has an open (without enclosure) flame.

R307-503-3. Applicability.

(1) R307-503 applies to all oil and gas exploration and production operations, well sites, natural gas compressor stations, and natural gas processing plants in Utah.

(2) R307-503 does not apply to oil refineries.

R307-503-4. Auto-Igniters.

(1) [~~All open or enclosed~~]Flares used to control emissions of volatile organic compounds shall be equipped with and operate an auto-igniter as follows:

(a) All open flares and all[~~or~~] enclosed flares installed on or after [~~November 1, 2014~~]January 1, 2015, shall be equipped with an operational auto-igniter upon installation of the flare.

(b) All [~~open or~~] enclosed flares installed before [~~November 1, 2014~~]January 1, 2015 in Duchesne County or Uintah County shall be equipped with an operational auto-igniter by December 1, 2015, or after the next flare planned shutdown, whichever comes first.

(c) All [~~open or~~] enclosed flares installed before [~~November 1, 2014~~]January 1, 2015 in all other areas of Utah shall be equipped with an operational auto-igniter by April 1, 2017, or after the next flare planned shutdown, whichever comes first.

R307-503-5. Recordkeeping.

The owner or operator shall maintain records demonstrating the date of installation and manufacturer specifications for each auto-igniter required under R307-503-3.

KEY: air pollution, oil, gas, flares

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

(a)

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 help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-36

Rehabilitative Mental Health and Substance Use Disorder Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38897

FILED: 10/03/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-18-3(2)(a) requires the Department to implement the Medicaid program through administrative rules, which include the provision of mental health and substance abuse disorder services for Medicaid recipients.

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 facilitates the administration of mental health and substance use disorder services for Medicaid recipients.

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: 10/03/2014

Health, Center for Health Data, Health Care Statistics

R428-15

Health Data Authority Health Insurance Claims Reporting

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38905

FILED: 10/10/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS

ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-33a-104(1) to "direct a statewide effort to collect, analyze, and distribute health care data to facilitate the promotion and accessibility of quality and cost-effective health care and also to facilitate interaction among those with concern for health care issues."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Regence BCBSU (October 2013): Can you extend the 30-day period for extensions to reduce paperwork and staff time, when longer extension periods are needed? In summary, OHCS provided the following response: Our reason for requiring a separate request every 30 days is so that we can best track movement by the submitter toward compliance. United Healthcare (October 2013): Please confirm whether or not the current registration process through the following Utah Office of Health Care Statistics site: http://health.utah.gov/hda/apd/payer_registration.php will remain the same. In summary, OHCS provided the following response: Yes, this requirement will remain the same. At its meeting on 05/13/2014, the Utah Health Data Committee (HDC) unanimously approved the most recent edits to Rule R428-15. HDC members represent various interests in Utah including payers, physicians, hospitals, public health, business, and consumers. Per the Utah Department of Health (UDOH) legal office, Center for Health Data, Health Care Statistics can appropriately use the aforementioned approval for current, five-year review purposes (October 2014).

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 requirements for certain entities that pay for health care to submit data to UDOH. The data are needed to develop and maintain an All Payer Claims Database (APCD). The APCD assists in the comparison of health care cost efficiencies and effectiveness statewide from both a cross sectional as well as from more longitudinally-based, disease progression perspective. Current requests for secure and approved use of APCD data are received from a variety of sources including qualified researchers, institutions, and inter-agency staff. Many analytic reports are expected over the next year that will help monitor trends in claims, costs, and quality of care for the people in Utah. The uses of the data and reports are justifications for continuation of the rule.

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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:

- ◆ Mike Martin by phone at 801-538-9205, by FAX at 801-538-9916, or by Internet E-mail at mikemartin@utah.gov
- ◆ Norman Thurston by phone at 801-538-7052, by FAX at 801-237-0787, or by Internet E-mail at nthurston@utah.gov
- ◆ Stephanie Saperstein by phone at 801-538-6430, or by Internet E-mail at stephaniesaperstein@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 10/10/2014

Pardons (Board of), Administration
R671-309
Impartial Hearings

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 38896
FILED: 10/02/2014

**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 77-27-9 authorizes the Board of Pardons and Parole to conduct hearings. Impartiality must be maintained by recusing a hearing officer or Board member who has a conflict of interest. Ex parte communication would jeopardize the impartiality of the hearing and is not allowed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The public and offenders must have confidence that the Board is making decisions impartially. The rule provides for the recusal of hearing officers or Board members and an avenue for an offender to appeal if the offender believes the officer has a conflict of interest. Ex parte communication is not allowed so that both parties can respond to any information used by the Board. Therefore, this rule should be continued.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Johnson by phone at 801-261-6454, by FAX at 801-261-6481, or by Internet E-mail at gregjohnson@utah.gov

AUTHORIZED BY: Angela Micklos, Chair

EFFECTIVE: 10/02/2014

Public Safety, Highway Patrol
R714-500
Chemical Analysis Standards and
Training

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38895
FILED: 10/02/2014

**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 current rule is authorized by Section 41-6a-515, Standards for chemical breath or oral

fluids analysis-Evidence. Section 41-6a-515 requires the Commissioner of Public Safety to establish standards for administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards and training.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Current certification and training comply with this rule. Therefore, this rule should be continued.

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

PUBLIC SAFETY
HIGHWAY PATROL
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5994
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Debbie Johnson by phone at 801-592-8883, by FAX at 801-965-4608, or by Internet E-mail at debbiejohnson@utah.gov
◆ Robert Anderson by phone at 801-381-4933, by FAX at 801-965-4608, or by Internet E-mail at robertanderson@utah.gov

AUTHORIZED BY: Daniel Fuhr, Colonel/Superintendent

EFFECTIVE: 10/02/2014

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 administrative 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 make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the 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.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

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

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal & Reenact
REP = Repeal

Administrative Services

Finance

No. 38742 (AMD): R25-7-8. Reimbursement for Lodging
Published: 09/01/2014
Effective: 10/08/2014

Purchasing and General Services

No. 38756 (AMD): R33-6-103. Pre-Bid Conferences/Site Visits
Published: 09/01/2014
Effective: 10/08/2014

No. 38759 (AMD): R33-7-201. Pre-proposal Conferences/Site Visits
Published: 09/01/2014
Effective: 10/08/2014

No. 38757 (AMD): R33-7-601. Best and Final Offers
Published: 09/01/2014
Effective: 10/08/2014

No. 38758 (AMD): R33-24. Unlawful Conduct
Published: 09/01/2014
Effective: 10/08/2014

Agriculture and Food

Conservation Commission

No. 38747 (AMD): R64-1. Agriculture Resource and Development Loans (ARDL)
Published: 09/01/2014
Effective: 10/08/2014

Commerce

Occupational and Professional Licensing

No. 38737 (AMD): R156-9. Funeral Service Licensing Act Rule
Published: 09/01/2014
Effective: 10/09/2014

No. 38733 (AMD): R156-15A. State Construction Code Administration and Adoption of Approved State Construction Code Rule
Published: 09/01/2014
Effective: 10/09/2014

No. 38736 (AMD): R156-55a. Utah Construction Trades Licensing Act Rule
Published: 09/01/2014
Effective: 10/09/2014

No. 38760 (AMD): R156-55a-302f. Pre-licensure Education - Standards
Published: 09/01/2014
Effective: 10/09/2014

No. 38731 (AMD): R156-55c. Plumber Licensing Act Rule
Published: 09/01/2014
Effective: 10/09/2014

Education

Administration

No. 38772 (AMD): R277-113-4. LEA Responsibilities
Published: 09/01/2014
Effective: 10/09/2014

No. 38773 (AMD): R277-400. School Emergency Response Plans
Published: 09/01/2014
Effective: 10/09/2014

No. 38774 (NEW): R277-402. School Readiness Initiative
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38775 (AMD): R277-502-5. Professional Education License Areas of Concentration, and Endorsements and Under-Qualified Employees
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38776 (AMD): R277-531. Public Educator Evaluation Requirements (PEER)
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38777 (AMD): R277-532-3. School District Policies
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38778 (AMD): R277-607. Truancy Prevention
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38779 (AMD): R277-619. Student Leadership Skills Development
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38780 (AMD): R277-620. Suicide Prevention Programs
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38781 (AMD): R277-704. Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports
 Published: 09/01/2014
 Effective: 10/09/2014

No. 38782 (AMD): R277-706. Public Education Regional Service Centers
 Published: 09/01/2014
 Effective: 10/09/2014

Environmental Quality

Air Quality

No. 38673 (AMD): R307-202. Emission Standards: General Burning
 Published: 08/01/2014
 Effective: 10/06/2014

No. 38681 (AMD): R307-348. Magnet Wire Coatings
 Published: 08/01/2014
 Effective: 10/07/2014

No. 38582 (NEW): R307-504. Oil and Gas Industry: Tank Truck Loading
 Published: 07/01/2014
 Effective: 10/07/2014

Environmental Response and Remediation

No. 38764 (AMD): R311-201-12. UST Operator Training and Registration
 Published: 09/01/2014
 Effective: 10/10/2014

No. 38765 (AMD): R311-204-3. Disposal
 Published: 09/01/2014
 Effective: 10/10/2014

No. 38766 (AMD): R311-206-11. Environmental Assurance Fee Rebate Program
 Published: 09/01/2014
 Effective: 10/10/2014

No. 38767 (AMD): R311-209-4. Recovery of Management and Oversight Expenses
 Published: 09/01/2014
 Effective: 10/10/2014

No. 38768 (AMD): R311-212. Administration of the Petroleum Storage Tank Loan Fund
 Published: 09/01/2014
 Effective: 10/10/2014

Radiation Control

No. 38751 (AMD): R313-70. Payments, Categories and Types of Fees
 Published: 09/01/2014
 Effective: 10/21/2014

Solid and Hazardous Waste

No. 38611 (AMD): R315-15. Standards for the Management of Used Oil
 Published: 07/01/2014
 Effective: 10/03/2014

No. 38611 (CPR): R315-15. Standards for the Management of Used Oil
 Published: 09/01/2014
 Effective: 10/03/2014

Housing Corporation (Utah)

Administration

No. 38788 (AMD): R460-3-1. Single-Family Mortgage Program
 Published: 09/01/2014
 Effective: 10/09/2014

Human Services

Aging and Adult Services

No. 38671 (AMD): R510-400-16. Termination of Services
 Published: 08/01/2014
 Effective: 10/08/2014

Child and Family Services
No. 38743 (NEW): R512-310. Reasonable and Prudent
Parent Standard
Published: 09/01/2014
Effective: 10/08/2014

Insurance
Administration
No. 38787 (REP): R590-172. Notice to Uninsurable
Applicants for Health Insurance
Published: 09/01/2014
Effective: 10/10/2014

No. 38784 (AMD): R590-199. Plan of Orderly Withdrawal
Rule Relating to Health Benefit Plans
Published: 09/01/2014
Effective: 10/10/2014

No. 38785 (REP): R590-236. HIPAA Eligibility Following
Receipt of a Certificate of Insurability or Denial by an
Individual Carrier
Published: 09/01/2014
Effective: 10/10/2014

No. 38786 (AMD): R590-249. Secondary Medical Condition
Exclusion
Published: 09/01/2014
Effective: 10/10/2014

No. 38789 (REP): R590-255. Utah NetCare Alternative
Coverage Notification Rule
Published: 09/01/2014
Effective: 10/10/2014

No. 38726 (REP): R590-263. Commonly Selected Health
Benefit Plans
Published: 08/15/2014
Effective: 10/10/2014

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, 2014 through October 15, 2014. 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 the Division of Administrative Rules (801-538-3764).

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/>).

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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

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 R865-19S-54 Governmental Exemption Pursuant to Utah Code Ann. Section 59-12-104 38596 AMD 08/28/2014 2014-13/124
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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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CMV

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compulsory education

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conduct committee

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	38464	R477-101	AMD	07/01/2014	2014-10/92

confidentiality

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	38299	R277-117	AMD	04/07/2014	2014-5/16

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	38495	R307-357-4	NSC	05/29/2014	Not Printed
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	38549	R156-15A-231	AMD	07/22/2014	2014-12/10
	38732	R156-38a-301a	NSC	08/28/2014	Not Printed
	38533	R156-38a-401	NSC	05/29/2014	Not Printed
	38151	R156-55a	AMD	01/21/2014	2013-24/10
	38736	R156-55a	AMD	10/09/2014	2014-17/28
	38380	R156-55a-301	NSC	04/14/2014	Not Printed
	38760	R156-55a-302f	AMD	10/09/2014	2014-17/31
	38648	R156-55b	AMD	08/21/2014	2014-14/44
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	38512	R33-14	NEW	07/08/2014	2014-11/83
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	38557	R131-4	AMD	07/22/2014	2014-12/8
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	38359	R277-709-11	AMD	05/08/2014	2014-7/10	
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	38720	R986-200-218	AMD	10/01/2014	2014-16/43	
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	38477	R657-60	AMD	06/24/2014	2014-10/99	
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Education, Administration	38289	R277-510-4	NSC	02/27/2014	Not Printed
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Health, Center for Health Data, Health Care Statistics	38564	R428-10	R&R	08/05/2014	2014-12/26
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	38484	R657-67	AMD	07/08/2014	2014-11/165
	38602	R657-68	NEW	08/11/2014	2014-13/120

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	38478	R414-401-3	AMD	07/01/2014	2014-10/53
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	38633	R414-502	5YR	06/17/2014	2014-14/82
	38141	R414-503	R&R	01/07/2014	2013-23/37
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	38584	R414-503-2	NSC	06/18/2014	Not Printed
	38532	R414-510	AMD	07/15/2014	2014-11/153
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	38390	R156-60-102	AMD	05/22/2014	2014-8/6
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	38358	R277-524	AMD	05/08/2014	2014-7/8	
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	38760	R156-55a-302f	AMD	10/09/2014	2014-17/31	
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	38516	R33-18	NEW	07/08/2014	2014-11/89
	38518	R33-19	NEW	07/08/2014	2014-11/90
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	38557	R131-4	AMD	07/22/2014	2014-12/8

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	38432	R277-105	AMD	06/09/2014	2014-9/8
	38185	R277-437	AMD	02/07/2014	2014-1/12
	38347	R277-438	5YR	03/14/2014	2014-7/89
	38591	R277-462	5YR	06/10/2014	2014-13/137
	38621	R277-462	AMD	08/07/2014	2014-13/20
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	38352	R277-735	5YR	03/14/2014	2014-7/91
	38360	R277-735	AMD	05/08/2014	2014-7/11

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	38177	R392-200-4	AMD	02/19/2014	2014-1/24

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	38749	R105-2	NSC	08/28/2014	Not Printed
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	38622	R277-463	AMD	08/07/2014	2014-13/24
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	38622	R277-463	AMD	08/07/2014	2014-13/24

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	38147	R313-38-3	AMD	04/07/2014	2013-23/20	
	38147	R313-38-3	CPR	04/07/2014	2014-5/56	
	38146	R313-70-5	AMD	02/18/2014	2013-23/22	
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	38389	R162-2g	AMD	05/22/2014	2014-8/8	
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