

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, 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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## NOTICES OF PROPOSED RULES

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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 March 03, 2015, 12:00 a.m., and March 16, 2015, 11:59 p.m. are included in this, the April 01, 2015, 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 Rules being repealed are completely struck out.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 May 1, 2015. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through July 30, 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.

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**The Proposed Rules Begin on the Following Page**

**Commerce, Occupational and  
Professional Licensing  
R156-44a-609  
Standards for Out-of-State Programs  
Providing Certified Nurse Midwife  
Clinical Experiences in Utah**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39176

FILED: 03/10/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division and Certified Nurse Midwife Board reviewed the rule and determined this new section needs to be added. With the proliferation of online and distance education programs for nurse midwifery, Utah residents may be completing a program of study via distance education. In most situations, distance education students are expected to complete their clinical practicum near where they reside. The Certified Nurse Midwife Board is seeking the addition of this rule based on its interpretation of Subsection 58-1-307(1)(b) and (c). The Board seeks to establish, through rule, the minimum standards which would be required for Division approval of the educational program.

**SUMMARY OF THE RULE OR CHANGE:** Section R156-44a-609 is being added to require out-of-state nurse midwifery programs, seeking clinical placements in Utah, to present satisfactory documentation to the Board that the educational program meets minimum expectations for program quality.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-44a-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The implementation of this rule may increase the frequency with which the Certified Nurse Midwifery Board meets. Although it is difficult to estimate the number of programs that will request Board review, it is possible that the Board may need to meet more frequently than it has in the past. An increased frequency of Board meetings would result in an increase in expenditures for Board member per diems and stipends. Historically, expenditures for this Board are approximately \$300 per meeting. It is anticipated that even with the implementation of this rule, the Board would not need to meet more than quarterly. The Division anticipates any increased costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendment applies only to out-of-state programs providing certified nurse midwife clinical experiences in Utah. As a result, the proposed amendment does not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendment applies only to out-of-state programs providing certified nurse midwife clinical experiences in Utah. As a result, the Division has determined that the proposed amendment does not apply to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment applies only to out-of-state programs providing certified nurse midwife clinical experiences in Utah. As a result, the Division has determined that the proposed amendment does not apply to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed amendment applies only to out-of-state programs providing certified nurse midwife clinical experiences in Utah. It is difficult for the Division to estimate the costs for affected persons; it could vary greatly by the organizational structure and business practices of the program. Out-of-state nurse midwifery programs will present written documentation to the Certified Nurse Midwife Board for review. This written documentation can be submitted electronically or through the U.S. Postal Service. Meetings with the Board will be completed via telephone. The affected programs will incur the expenses associated with compiling the report, sending the report, and the time associated with the telephonic meeting.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This proposed rule requires a business that provides nurse midwifery training to obtain approval from the Utah Certified Nurse Midwife Board before placing students with Utah facilities for clinical practicum. To comply, such businesses must provide information to the Board and appear at a live or telephonic meeting with the Board. Compiling, copying and mailing the required paperwork might result in a small fiscal impact to some businesses. Any impact will vary and cannot be estimated.

**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:**

◆ Suzette Farmer by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at [sfarmer@utah.gov](mailto:sfarmer@utah.gov)



INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-44a. Nurse Midwife Practice Act Rule.**  
**R156-44a-609. Standards for Out-of-State Programs Providing Certified Nurse Midwife Clinical Experiences in Utah.**

(1) In order to qualify for the exemption set forth in Subsection 58-1-304(1)(b), approval of a nurse midwifery education program located in another state that uses Utah health care facilities for clinical experiences with certified nurse midwives for one or more students shall, prior to placing a student, submit a request for approval in writing to the Certified Nurse Midwife Board and demonstrate to the satisfaction of the Board that the program:

(a) has been approved, if required, by the regulatory body responsible for certified nurse midwives in the program's home state;

(b) holds current accreditation from the Accreditation Commission for Midwifery Education (ACME);

(c) has clinical faculty who are employed by the nurse midwifery education program;

(d) is affiliated with an institution of higher education;  
and

(e) has established criteria for selection and supervision of:

(i) onsite preceptors; and

(ii) the clinical activities.

(2) Following approval by the Board, the nurse midwifery program shall:

(a) reapply for Board review and approval when the program's ACME accreditation is reaffirmed; and

(b) notify the Board, in writing, of any change in its accreditation status.

**KEY: licensing, midwifery, certified nurse midwife**  
**Date of Enactment or Last Substantive Amendment: [January 22, 2013]2015**

**Notice of Continuation: January 16, 2014**  
**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-44a-101**

Commerce, Occupational and Professional Licensing  
**R156-70a-302**  
 Qualification for Licensure - Examination Requirements

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE NO.: 39177  
 FILED: 03/10/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division and Physician Assistant Licensing Board reviewed the rule and determined the following change needs to be made to delete the examination requirement of the Utah Physician Assistant Law and Rules Examination. The Division is transitioning to an online application process resulting in the need for any type of examination to be administered by an outside testing agency. Instead of requiring physician assistant applicants to take another test, physician assistants will sign an affidavit attesting to reading all applicable laws and rules.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendments delete the Utah Physician Assistant Law and Rules examination as a qualification for licensure.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-70a-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 \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

♦ **LOCAL GOVERNMENTS:** The proposed amendments apply only to applicants for licensure as a physician assistant. As a result, the proposed amendments do not apply to local governments.

♦ **SMALL BUSINESSES:** The proposed amendments apply only to applicants for licensure as a physician assistant. Applicants for licensure might work in a small business; however, the proposed amendments would not directly affect the business.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments apply only to applicants for licensure as a physician assistant. The Division anticipates the proposed amendment will not result in additional encumbrances for any party beyond what is currently identified by statute and rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed amendments apply only to applicants for licensure as a physician assistant. The proposed amendment will not result in any increase of costs for those affected. Applicants will save approximately \$75 by not having to pay for a law and rule examination from a third party test provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing eliminates an examination requirement for the physician assistant license. No fiscal impact to businesses is anticipated.

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:

♦ April Ellis by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at [aprilellis@utah.gov](mailto:aprilellis@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 05/18/2015 09:00 AM, Heber Wells Bldg, 160 E 300 S, fourth floor, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-70a. Physician Assistant Practice Act Rule.**

**R156-70a-302. Qualification for Licensure - Examination Requirements.**

In accordance with Subsection 58-70a-302(5), the examination[s which must be successfully passed by applicants for] requirement for licensure as a physician assistant is a passing score on [are:

(1) ~~the National Commission on Certification of Physician Assistants (NCCPA) examination~~; and  
(2) ~~the Utah Physicians Assistant Law and Rules Examination~~].

**KEY: licensing, physician assistants**

**Date of Enactment or Last Substantive Amendment: [August 8, 2013]2015**

**Notice of Continuation: December 19, 2011**

**Authorizing, and Implemented or Interpreted Law: 58-70a-101; 58-1-106(1)(a); 58-1-202(1)(a)**

Commerce, Real Estate  
**R162-2f-401a**  
Affirmative Duties Required of All  
Licensed Individuals

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 39164  
FILED: 03/03/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to protect the confidentiality of parties to a real estate transaction by limiting the sale or release of the final sale price and derivative works by a licensee.

**SUMMARY OF THE RULE OR CHANGE:** A licensee is required to obtain written permission from both buyer and seller before selling the final sale price or any derivative works unless such activity is included as part of a licensed activity. A licensee may not otherwise release the final sale price or derivative works unless allowed for by contract.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 61-2f-103(1)(a) and Subsection 61-2f-401(14)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** The division has the staff and budget in place to administer this provision. It is not anticipated that the proposed amendment will affect those resources or result in any additional cost or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the real estate licensing and practices rules. No fiscal impact to local government is expected from the proposed amendment.

♦ **SMALL BUSINESSES:** The proposed amendment would restrict licensees who operate businesses from selling sales data to small businesses. It is unlikely that licensees currently sell sales data except incidentally except as to activities that are a part of a licensed activity, such as for broker price opinions. The proposed rule amendment is not intended to restrict the selling of broker price opinions. However, to the extent a licensee would want to sell sales data other than for broker price opinions, selling this data would require written permission from both buyer and seller, potentially limiting such activity.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment would restrict licensees from selling sales data to third parties. It is unlikely that licensees

currently sell sales data to third parties except as to activities that are a part of a licensed activity such as for broker price opinions. The proposed rule amendment is not intended to restrict the selling of broker price opinions. However, to the extent a licensee would want to sell sales data other than for broker price opinions, selling this data would require written permission from both buyer and seller, potentially limiting such activity.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated out-of-pocket costs to licensees to comply with the proposed amendment. The proposed amendment would restrict licensees from selling sales data without obtaining written permission from the parties to the transaction. It is unlikely that licensees currently sell sales data except incidentally as to activities that are a part of a licensed activity, such as for broker price opinions. The proposed rule amendment is not intended to restrict the selling of broker price opinions. However, to the extent a licensee would want to sell sales data other than for broker price opinions, selling this data would require written permission from both buyer and seller, potentially limiting such activity.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This filing restricts a real estate licensee from disseminating sales data without the consent of the parties to the transaction. To comply, any business that intends to sell sales data from a real estate transaction must first obtain consent from both the buyer and the seller. No fiscal impact to such businesses is anticipated.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Jonathan Stewart, Director

## **R162. Commerce, Real Estate.**

### **R162-2f. Real Estate Licensing and Practices Rules.**

#### **R162-2f-401a. Affirmative Duties Required of All Licensed Individuals.**

An individual licensee shall:

(1) uphold the following fiduciary duties in the course of representing a principal:

(a) loyalty, which obligates the agent to place the best interests of the principal above all other interests, including the agent's own;

(b) obedience, which obligates the agent to obey all lawful instructions from the principal;

(c) full disclosure, which obligates the agent to inform the principal of any material fact the agent learns about:

(i) the other party; or

(ii) the transaction;

(d) confidentiality, which prohibits the agent:

(A) from disclosing, without permission of the client, any information given to the agent by the principal that would likely weaken the principal's bargaining position if it were known, but excepting any known material fact concerning:

[(+)](I) a defect in the property; or

[(+)](II) the client's ability to perform on the contract; or

(B) from selling, without written permission of both parties to the transaction, the final sale price or derivative works unless included as a part of a licensed activity; or

(C) from otherwise releasing the final sales price or derivative works unless allowed for by contract.

(e) reasonable care and diligence;

(f) holding safe and accounting for all money or property entrusted to the agent; and

(g) any additional duties created by the agency agreement;

(2) for the purpose of defining the scope of the individual's agency, execute a written agency agreement between the individual and the individual's principal, including:

(a) seller(s) the individual represents;

(b) buyer(s) the individual represents;

(c) buyer(s) and seller(s) the individual represents as a limited agent in the same transaction pursuant to this Subsection (4);

(d) the owner of a property for which the individual will provide property management services; and

(e) a tenant whom the individual represents;

(3) in order to represent both principals in a transaction as a limited agent, obtain informed consent by:

(a) clearly explaining in writing to both parties:

(i) that each is entitled to be represented by a separate agent;

(ii) the type(s) of information that will be held confidential;

(iii) the type(s) of information that will be disclosed; and

(iv) the circumstances under which the withholding of information would constitute a material misrepresentation regarding the property or regarding the abilities of the parties to fulfill their obligations;

(b) obtaining a written acknowledgment from each party affirming that the party waives the right to:

(i) undivided loyalty;  
(ii) absolute confidentiality; and  
(iii) full disclosure from the licensee; and  
(c) obtaining a written acknowledgment from each party affirming that the party understands that the licensee will act in a neutral capacity to advance the interests of each party;  
(4) when acting under a limited agency agreement:  
(a) act as a neutral third party; and  
(b) uphold the following fiduciary duties to both parties:  
(i) obedience, which obligates the limited agent to obey all lawful instructions from the parties, consistent with the agent's duty of neutrality;  
(ii) reasonable care and diligence;  
(iii) holding safe all money or property entrusted to the limited agent; and  
(iv) any additional duties created by the agency agreement;  
(5) prior to executing a binding agreement, disclose in writing to clients, agents for other parties, and unrepresented parties:  
(a) the licensee's position as a principal in any transaction where the licensee operates either directly or indirectly to buy, sell, lease, or rent real property;  
(b) the fact that the licensee holds a license with the division, whether the license status is active or inactive, in any circumstance where the licensee is a principal in an agreement to buy, sell, lease, or rent real property;  
(c) the licensee's agency relationship(s);  
(d)(i) the existence or possible existence of a due-on-sale clause in an underlying encumbrance on real property; and  
(ii) the potential consequences of selling or purchasing a property without obtaining the authorization of the holder of an underlying encumbrance;  
(6) in order to offer any property for sale or lease, make reasonable efforts to verify the accuracy and content of the information and data to be used in the marketing of the property;  
(7) in order to offer a residential property for sale, disclose the source on which the licensee relies for any square footage data that will be used in the marketing of the property:  
(a) in the written agreement, executed with the seller, through which the licensee acquires the right to offer the property for sale; and  
(b) in a written disclosure provided to the buyer, at the licensee's direction, at or before the deadline for the seller's disclosure per the contract for sale;  
(8) upon initial contact with another agent in a transaction, disclose the agency relationship between the licensee and the client;  
(9) when executing a binding agreement in a sales transaction, confirm the prior agency disclosure:  
(a) in the currently approved Real Estate Purchase Contract;  
or  
(b) in a separate provision with substantially similar language incorporated in or attached to the binding agreement;  
(10) when executing a lease or rental agreement, confirm the prior agency disclosure by:  
(a) incorporating it into the agreement; or  
(b) attaching it as a separate document;  
(11) when offering an inducement to a buyer who will not pay a real estate commission in a transaction:  
(a) obtain authorization from the licensee's principal broker to offer the inducement;

(b) comply with all underwriting guidelines that apply to the loan for which the borrower has applied; and  
(c) provide notice of the inducement, using any method or form, to:  
(i) the principal broker of the seller's agent, if the seller paying a commission is represented; or  
(ii) the seller, if the seller paying a commission is not represented;  
(12) if the licensee desires to act as a sub-agent for the purpose of showing property owned by a seller who is under contract with another brokerage, prior to showing the seller's property:  
(a) notify the listing brokerage that sub-agency is requested; and  
(b) enter into a written agreement with the listing brokerage with which the seller has contracted:  
(i) consenting to the sub-agency; and  
(ii) defining the scope of the agency;  
(c) obtain from the listing brokerage all available information about the property; and  
(d) uphold the same fiduciary duties outlined in this Subsection (1);  
(13) provide copies of a lease or purchase agreement, properly signed by all parties, to the party for whom the licensee acts as an agent;  
(14)(a) in identifying the seller's brokerage in paragraph 5 of the approved Real Estate Purchase Contract, use:  
(i) the principal broker's individual name; or  
(ii) the principal broker's brokerage name; and  
(b) personally fulfill the licensee's agency relationship with the client, notwithstanding the information used to complete paragraph 5;  
(15) timely inform the licensee's principal broker or branch broker of real estate transactions in which:  
(a) the licensee is involved as agent or principal;  
(b) the licensee has received funds on behalf of the principal broker; or  
(c) an offer has been written;  
(16)(a) disclose in writing to all parties to a transaction any compensation in addition to any real estate commission that will be received in connection with a real estate transaction; and  
(b) ensure that any such compensation is paid to the licensee's principal broker;  
(17)(a) in negotiating and closing a transaction involving a property for which a certificate of occupancy has been issued, use:  
(i)(A) the standard forms approved by the commission and identified in Section R162-2f-401f;  
(B) standard supplementary clauses approved by the commission; and  
(C) as necessary, other standard forms including settlement statements, warranty deeds, and quit claim deeds;  
(ii) forms prepared by an attorney for a party to the transaction, if:  
(A) a party to the transaction requests the use of the attorney-drafted forms; and  
(B) the licensee first verifies that the forms have in fact been drafted by the party's attorney; or  
(iii) if no state-approved form exists to serve a specific need, any form prepared by an attorney, regardless of whether the attorney is employed for the purpose by:

- (A) the principal; or
  - (B) an entity in the business of selling blank legal forms;
- and
- (b) in presenting an offer on a property for which a certificate of occupancy has not been issued, use any form prepared by an attorney, regardless of whether the attorney is employed for the purpose by:
    - (i) the principal; or
    - (ii) an entity in the business of selling blank forms.
  - (18) use an approved addendum form to make a counteroffer or any other modification to a contract;
  - (19) in order to sign or initial a document on behalf of a principal:
    - (a) obtain prior written authorization in the form of a power of attorney duly executed by the principal;
    - (b) retain in the file for the transaction a copy of said power of attorney;
    - (c) attach said power of attorney to any document signed or initialed by the individual on behalf of the principal;
    - (d) sign as follows: "(Principal's Name) by (Licensee's Name), Attorney-in-Fact;" and
    - (e) initial as follows: "(Principal's Initials) by (Licensee's Name), Attorney-in-Fact for (Principal's Name);"
  - (20) if employing an unlicensed individual to provide assistance in connection with real estate transactions, adhere to the provisions of Section R162-2f-401g;
  - (21) strictly adhere to advertising restrictions as outlined in Section R162-2f-401h;
  - (22) as to a guaranteed sales agreement, provide full disclosure regarding the guarantee by executing a written contract that contains:
    - (a) the conditions and other terms under which the property is guaranteed to be sold or purchased;
    - (b) the charges or other costs for the service or plan;
    - (c) the price for which the property will be sold or purchased; and
    - (d) the approximate net proceeds the seller may reasonably expect to receive;
  - (23) immediately deliver money received in a real estate transaction to the principal broker for deposit; and
  - (24) as contemplated by Subsection 61-2f-401(18), when notified by the division that information or documents are required for investigation purposes, respond with the required information or documents in full and within ten business days.

**KEY: real estate business, operational requirements, trust account records, notification requirements**  
**Date of Enactment or Last Substantive Amendment: 2015**  
**Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-401(14); 61-2f-401(16)**

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**Education, Administration**  
**R277-116-1**  
**Definitions**

**NOTICE OF PROPOSED RULE**  
**(Amendment)**

DAR FILE NO.: 39218  
 FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section R277-116-1 is amended to update definitions so the definitions are consistent with Utah State Board of Education (Board) bylaws.

**SUMMARY OF THE RULE OR CHANGE:** The definitions are revised in Subsections R277-116-1(C) and (E) making the definitions consistent with the Board bylaws for appointment of the Board Audit Committee and the Internal Auditor.

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

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** The definitions in Section R277-116-1 are amended to provide consistency with the Board bylaws when appointing the Board Audit Committee and Internal Auditor. The amendments are procedural which likely will not result in a cost or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The definitions in Section R277-116-1 are amended to provide consistency with the Board bylaws when appointing the Board Audit Committee and Internal Auditor. The amendments pertain to Board procedures which likely will not result in a cost or savings to local government.
- ◆ **SMALL BUSINESSES:** The definitions in Section R277-116-1 are amended to provide consistency with the Board bylaws when appointing the Board Audit Committee and Internal Auditor. The amendments pertain to Board procedures which likely will not result in a cost or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The definitions in Section R277-116-1 are amended to provide consistency with the Board bylaws when appointing the Board Audit Committee and Internal Auditor. The amendments pertain to Board procedures 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:** The definitions in Section R277-116-1 are amended to provide consistency with the Board bylaws when appointing the Board Audit Committee and Internal Auditor. The amendments pertain to Board procedures which likely will not result in any compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** I have reviewed this rule and I believe that there is likely 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:

♦ Brad Smith by phone at 801-538-7510, by FAX at 801-538-7768, or by Internet E-mail at brad.smith@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON  
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO  
LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Brad Smith, State Superintendent of  
Public Instruction

#### **R277. Education, Administration.**

#### **R277-116. Utah State Board of Education Internal Audit Procedure.**

##### **R277-116-1. Definitions.**

A. "Appointing authority" means the Board.

B. "Audit" means internal reviews or analyses or a combination of both of Utah State Board of Education programs, activities and functions that may address one or more of the following objectives:

- (1) to verify the accuracy and reliability of USOE or Board records;
- (2) to assess compliance with management policies, plans, procedures, and regulations;
- (3) to assess compliance with applicable laws, rules and regulations;
- (4) to evaluate the efficient and effective use and protection of Board, state, or federal resources; or
- (5) to verify the appropriate protection of USOE assets;
- (6) to review and evaluate internal controls over LEA and USOE accounting systems, administrative systems, electronic data processing systems, and all other major systems necessary to ensure the fiscal and administrative accountability of LEAs and the USOE.

C. "Audit Committee" means a standing committee appointed by the Board ~~Chair~~ ~~which shall consist of all members of the Finance and Audit Committee. The Chair of the Audit Committee shall be either the Board Chair or Board Vice Chair~~.

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

E. "Internal Auditor" means person or persons appointed by the ~~Superintendent with the consent of the Audit Committee and the full~~ Board to direct the internal audit function for the Board and USOE.

F. "LEA," for purposes of this rule, means any local education agency under the supervision of the Board including any sub unit of school districts, Utah Schools for the Deaf and the Blind, and charter schools.

G. "Subrecipient," for purposes of this rule, means any entity awarded funds through a sub-award, contract, or designated to receive an appropriation for programs supervised by the Board.

H. "Superintendent" means the State Superintendent of Public Instruction, who is the Agency Head within the meaning of the Utah Internal Audit Act.

I. "Survey work" means an internal review of Board rules, statutes, federal requirements and a limited sample of an LEA's programs, activities or documentation that may give rise to or refute the need for a more comprehensive audit. The preliminary or limited information derived from survey work is a part of the ongoing audit process and may be provided as a draft to the Audit Committee, to the Board or to the Superintendent upon request.

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

K. "USOR" means the Utah State Office of Rehabilitation.

#### **KEY: educational administration**

**Date of Enactment or Last Substantive Amendment:** ~~February 7, 2014~~ **2015**

**Notice of Continuation:** December 16, 2013

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53A-1-401(3); 53A-1-405; 53A-1-402(1)(e); 53A-17a-147(2); 63I-5-101 through 401

## Education, Administration

### **R277-504**

## Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure

#### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39219

FILED: 03/16/2015

#### **RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Rule R277-504 is amended to provide additional coursework for training special educator preparation program candidates so teachers have the skills to provide instruction on the Utah Core Standards and positive behavior supports to students with disabilities within a multi-tiered system of supports. The amendments also include instruction in the use of software for personalized learning.

**SUMMARY OF THE RULE OR CHANGE:** The amendments to Rule R277-504 provide language for additional coursework for training special educator preparation program candidates and include instruction in the use of software for personalized learning.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** Public institutions of higher education (IHE) educator preparation programs will need to provide additional training to candidates in order to receive Utah State Board of Education (Board) approval. There may be minimal costs to implement additional training requirements. Costs are very speculative and difficult to assess at this time.

◆ **LOCAL GOVERNMENTS:** The amendments pertain to IHE educator preparation program requirements which likely will not result in a cost or savings to local government.

◆ **SMALL BUSINESSES:** The amendments pertain to IHE educator preparation program requirements which likely will not result in a cost or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments pertain to IHE educator preparation program requirements 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:** In order to receive Board approval, some IHE educator preparation programs may need to implement additional training requirements. It is anticipated that IHE educator preparation programs will implement the additional requirements.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Private IHE educator preparation programs will need to provide additional training to candidates in order to receive Utah State Board of Education approval. There may be minimal costs to implement the additional training requirements. Costs are very speculative and difficult to assess at this time.

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:**

◆ Brad Smith by phone at 801-538-7510, by FAX at 801-538-7768, or by Internet E-mail at brad.smith@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Brad Smith, State Superintendent of Public Instruction

**R277. Education, Administration.**

**R277-504. Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure.**

**R277-504-1. Definitions.**

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

B. "Council for Exceptional Children" is an international professional organization dedicated to improving the educational success of both individuals with disabilities and individuals with gifts and talents. CEC advocates for appropriate governmental policies, sets professional standards, provides professional development, advocates for individuals with exceptionalities, and helps professionals obtain conditions and resources necessary for effective professional practice.

C. "Early Childhood license area of concentration" means an Early Childhood Education teaching license required for teaching kindergarten and permitting assignment in kindergarten through grade three. It is recommended for those teaching in formal public school programs below kindergarten level.

D. "Early intervention credential" is the highest qualified personnel standard established by the Department of Health that persons shall meet in able to provide services to infants and toddlers with disabilities age 0-3 in early intervention settings. In order to provide services to infants and toddlers with disabilities age 0-3 in early intervention settings, an individual shall have an Early Intervention Credential or a Preschool Special Education (Birth-Age 5) license.

E. "Elementary (1-8) license area of concentration" means an Elementary teaching license required for teaching grades one through eight.

F. "Elementary (K-6) license area of concentration" means an Elementary teaching license required for teaching grades kindergarten through six.

G. "Endorsement" means a specialty field or area listed on the teaching license which indicates the specific qualification of the holder.

H. "Highest requirements in the State applicable to a specific profession or discipline" means the highest entry-level academic degree needed for any State-approved or State-recognized certification, license, registration, or other comparable requirement that applies to that profession or discipline.

I. "IEP" means a written statement of an individualized education program by an IEP team and developed, reviewed, and revised in accordance with Utah State Board of Education Special Education Rules and the Part B of the IDEA.

J. "Internship" means the placement of a teacher education student in an advanced stage of preparation, as a culminating experience, in employment in a school setting for a period of up to one school year during which the intern shall receive salary proportionate to the service rendered as determined by the LEA. An intern is supervised primarily by the school system but with a continuing relationship with college personnel and following a planned program designed to produce a demonstrably competent professional.

K. "Level 1 license" means a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to applicants who have also met all ancillary requirements established by law or rule.

L. "Level 2 license" means a Utah professional educator license issued by the Board after satisfaction of all requirements for a Level 1 license and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

M. "Preschool Special Education (Birth-Age 5) license area of concentration" means a teaching license required for teaching preschool students with disabilities.

N. "Secondary license area of concentration" means a Secondary teaching license required for teaching grades six through twelve. Secondary license areas carry endorsements for the areas in which the holder is qualified to provide instruction.

O. "Special Education license area of concentration (K-12)" means Special Education teaching license required for teaching students with disabilities in kindergarten through grade twelve. Special Education areas of concentration carry endorsements in at least one of the following areas:

(1) Mild/Moderate Endorsement which indicates that the holder's preparation focused on teaching students with mild/moderate learning and behavior problems;

(2) Severe Endorsement which indicates that the holder's preparation focused on teaching students with severe learning and behavior problems;

(3) Deaf and Hard of Hearing Endorsement which indicates that the holder's preparation focused on teaching students who are deaf or other hearing impaired; ~~and~~

(4) Blind and Visually Impaired Endorsement which indicates that the holder's preparation focused on teaching students who are blind or other visually impaired; ~~and~~

(5) Deafblind Endorsement which indicates that the holder's preparation focused on teaching students who are both blind or other visually impaired and deaf or other hearing impaired.

P. "Student teaching" means the placement of a teacher education student in an advanced stage of preparation for a period of guided teaching in a school setting during which the student assumes increasing responsibility for directing the learning of a group or groups of students over a period of time.

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

#### **R277-504-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of the public schools in the State Board of Education and by Section 53A-1-402(1)(a) which directs the Board to make rules regarding the

licensing of educators, 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:

(1) specify the requirements for Early Childhood (K-3), Elementary (K-6), Elementary (1-8), Secondary (6-12), Special Education (K-12), and Preschool Special Education (Birth-Age 5) licensing; and

(2) specify the standards which the Board expects a teacher preparation institution to meet in specific areas for the institution to receive Board approval of the program.

#### **R277-504-3. General Standards for Approval of Programs for the Preparation of Teachers.**

A. The Board may approve the educator preparation program of an institution if the institution:

(1) prepares candidates to meet the Utah Effective Teaching Standards in R277-530;

(2) prepares candidates to teach the Utah Core Standards, the Utah Early Childhood Core Standards, and the Essential Elements as appropriate to the area of licensure as established by the Board;

(3) requires candidates to maintain a cumulative university GPA of 3.0 and receive a C or better in all education related courses and major required content courses:

(a) This requirement applies to candidates admitted to the program after January 1, 2015.

(b) A candidate admitted to the program with a GPA below 3.0 under the 10 percent waiver provided in R277-502-3D shall maintain an overall GPA of 3.0 for all coursework completed after the candidate's admission to the program;

(4) requires the study of:

(a) content and content-specific pedagogy appropriate for the area of licensure;

(b) knowledge and skills designed to assist in the identification of students with disabilities and to meet the needs of students with disabilities in the regular classroom. Knowledge and skills shall include the following domains:

(i) knowledge of disabilities under IDEA and Section 504 of the Rehabilitation Act;

(ii) knowledge of the role of non-special-education teachers in the education of students with disabilities;

(iii) skills in providing tier one instruction on the Utah Core Standards and positive behavior supports to students with disabilities within a multi-tiered system of supports including:

(A) assessing and monitoring the education needs and progress of students with disabilities;

(~~iii~~) B) [skills in] implementing and assessing the results of interventions [intended to assist in the identification of students with disabilities.

(~~iv~~) skills in assessing the educational needs and progress of students with disabilities in the regular education classroom]; and

(~~v~~) C) skills in the implementation of an educational program with accommodations and modifications established by an IEP or 504 plan for students with disabilities in the regular classroom; and

(c) knowledge and skills designed to meet the needs of diverse student populations in the regular classroom. These skills for diverse student populations shall include the skills to:



(i) allow teachers to create an environment using a teaching model that is sensitive to multiple experiences and diversity;

(ii) design, adapt, and deliver instruction to address each student's diverse learning strengths and needs; and

(iii) incorporate tools of language development into planning and instruction for English language learners and support development of English proficiency; and

(5) requires a student teaching culminating experience that:

(a) requires a minimum of 400 clock hours with at least 200 clock hours in a single placement;

(b) requires that student teachers meet the same contract hours as licensed teachers in the same LEA;

(c) requires that the student teacher not be employed in any capacity by the LEA where he is placed except as provided in R277-504-7B;

(d) includes placement in all content or licensure areas in which the candidate shall be licensed unless:

(i) no viable student teaching placement in one or more of the candidate's endorsement areas is available; or

(ii) the candidate is seeking a license in Elementary (1-8) and is completing an elementary student teaching placement, but has also completed the USOE course requirements for an endorsement;

(e) includes intermittent supervision and evaluation by institution personnel;

(f) includes direct supervision of the candidate by a classroom teacher that:

(i) has been jointly selected by the institution student teaching placement officer and the LEA-designated authority over student teaching placement;

(ii) has been deemed effective by an evaluation system meeting the standards of R277-531 or the LEA's equivalent; and

(iii) has received training from the institution on the role and responsibilities of a classroom mentor teacher for student teachers, including the standards of R277-515;

(g) include meaningful self-reflection with review and feedback from both the classroom mentor teacher and institution personnel; or

(6) Requires an internship culminating experience that:

(a) consists of full-time employment as an educator for one school year with a minimum of 1260 clock hours at a single school site;

(b) requires that interns meet the same contract teaching hours as licensed teachers in the same LEA;

(c) includes placement in the major content or licensure area in which the candidate shall be licensed;

(d) where possible, includes placement in all content or licensure areas in which the candidate shall be licensed unless:

(i) no viable internship in one or more of the candidate's non-major endorsement areas could be found; or

(ii) the candidate is seeking licensure in Elementary (1-8) and is completing an elementary internship, but has also completed the USOE course requirements for an endorsement;

(e) includes intermittent supervision and evaluation by institution personnel;

(f) includes an LEA assigned mentor that:

(i) has been jointly selected by the institution internship placement officer and the LEA-designated authority over internship placement;

(ii) has been deemed effective by an evaluation system meeting the standards of R277-531 or the LEA's equivalent; and

(iii) provides direct support and supervision to the intern during the regular school day in addition to the standard LEA supports of new teachers.

(g) includes meaningful self-reflection with review and feedback from both the assigned mentor and institution personnel;

B. The Board may accept the following for an individual candidate as completely or partially satisfying the student teaching/internship requirement:

(1) one year of full-time contract teaching experience in a teaching position as defined in R277-503-4(C)(4) in a public or accredited private school in the candidate's proposed licensure content areas may completely satisfy the requirement;

(2) teaching in a preschool or [h]Headstart program may be accepted for up to one-half of the student teaching requirement;

(3) teaching experience in business or industry may be accepted for up to one-half of the student teaching requirement; and

(4) other experience accepted by the Board and designated as totally or partially fulfilling the requirement.

#### **R277-504-4. Early Childhood Education (K-3) and Elementary (K-6) License Areas.**

A. The Board may approve the Early Childhood Education (K-3), Elementary (K-6), Elementary (1-8) teacher preparation program of an institution if the program:

(1) is aligned with the 2010 National Association for the Education of Young Children Standards for Initial and Advanced Early Childhood Professional Preparation Programs or the 2007 Association for Childhood Education International Standards for Elementary Level Teacher Preparation, as appropriate; and

(2) requires study and experiences which provide appropriate content knowledge needed to teach:

(a) literacy including listening, speaking, writing, and reading;

(b) mathematics;

(c) physical and life science;

(d) health and physical education;

(e) social studies; and

(f) fine arts; and

(3) includes coursework specifically designed to prepare teachers:

(a) in the science of reading instruction including phonemic awareness, phonics, fluency, vocabulary and comprehension;

(b) in the science of mathematics instruction including quantitative reasoning, problem solving, representation, and numeracy;

(c) with the technical skills to utilize common education technology;

(d) to integrate technology to support and meaningfully supplement the learning of students;

(e) to facilitate student use of software for personalized learning;

([e]f) to teach effectively in traditional, online-only, and blended classrooms;

([f]g) to design, administer, and review educational assessments in a meaningful and ethical manner;

([g]h) in early childhood development and learning, if it is an Early Childhood Education (K-3), or Elementary (K-6); and

([h]i) in a specific content area resulting in an endorsement added to the license area, if it is an Elementary (1-8) program.

B. The standards shall be applied to the specific age group or grade level for which the program of preparation is designed.

(1) An Early Childhood Education (K-3) program shall focus primarily on early childhood development and learning.

(2) An Elementary (K-6) shall include both early childhood development and learning and elementary content and pedagogy.

(3) An Elementary (1-8) shall focus primarily on elementary content and pedagogy.

C. A teacher holding an Elementary (1-8) license area may earn an Early Childhood (K-3) license area by completing specific coursework requirements established by USOE.

D. An Elementary (1-8) license permits the teacher to teach in any academic area in self-contained classes in grades 1-8.

E. An Elementary (1-8) license permits the teacher to teach specific content courses at the 7th or 8th grade level only if the teacher's license includes the appropriate endorsement.

#### **R277-504-5. Secondary (6-12) License Area.**

A. A Secondary (6-12) license area with endorsement(s) is valid in grades six through twelve.

B. A Secondary (6-12) license area requires a major or major equivalent in a content area, but the teacher cannot teach in an elementary self-contained class.

C. The Board may approve the secondary educator preparation program of an institution if the program:

(1) is an undergraduate level program and requires candidates to have completed:

(a) an approved content area or teaching major consistent with subjects taught in Utah secondary schools; and

(b) content coursework reasonably equivalent to that required for individuals completing a non-teaching degree in the subject; or

(2) Is a graduate level program and requires candidates to have completed:

(a) a bachelor's degree or higher from an accredited university; and

(b) coursework equivalent to the minimum requirements for an endorsement as established by USOE, including the appropriate content knowledge assessment; and

(3) includes coursework specifically designed to prepare candidates:

(a) with the technical skills necessary to utilize common education technology;

(b) to integrate technology to support and meaningfully supplement the learning of students;

(c) to facilitate student use of software for personalized learning;

([e]d) to teach effectively in traditional, online-only, and blended classrooms;

([d]e) to design, administer, and review educational assessments in a meaningful and ethical manner; and

([e]f) to include literacy and quantitative learning objectives in content specific classes in alignment with the Utah Core Standards.

D. After completing a Board-approved Secondary (6-12) educator preparation program, the license area shall be endorsed for all subjects in which the candidate has met the course requirements for the endorsement as established by USOE.

(1) A content area or teaching major requires not fewer than 30 semester hours of credit in one content area.

(2) An endorsement requires not fewer than 16 semester hours of credit in one content area.

#### **R277-504-6. Special Education (K-12+) and Preschool Special Education (Birth-Age 5).**

A. The Board may approve an institution's special education teacher preparation program if the program is aligned with the 2011 Council for Exceptional Children Special Education Standards for Professional Practice and is focused in one or more of the following special education areas:

(1) Mild/Moderate Disabilities

(2) Severe Disabilities

(3) Deaf and Hard of Hearing;

(4) Blind and Visually Impaired; ~~[-or]~~

(5) Deafblind; or

([5]6) Preschool Special Education (Birth-Age 5).

B. The Board may issue teachers who hold Special Education (K-12+) license areas additional endorsements if all endorsement requirements are met. Teachers who hold only a Special Education (K-12+) license area may only be assigned as a teacher of record of students with disabilities.

C. The Board may approve a special education preparation program of an institution if the program includes coursework specifically designed to train candidates to:

(1) understand the legal and ethical issues surrounding special education;

(2) comply with IDEA and Utah State Board of Education Special Education Rules;

([2]3) work with other school personnel to implement and evaluate academic and positive behavior supports and interventions for [the purpose of identification of students with disabilities]students with disabilities within a multi-tiered system of supports;

(4) train and monitor education teachers, related service providers, and paraeducators in providing services and supports to students with disabilities;

([3]5) provide the necessary specialized instruction, as per IEPs, to students with disabilities, including

(a) core content from the Utah Early Childhood Core Standards and the Essential Elements and content specific pedagogy;

(b) [knowledge of the role of regular education teachers, related service providers, and paraeducators in the education of students with disabilities]skills in assessing and addressing the educational needs and progress of students with disabilities;

(c) skills in implementing and assessing the results of research and evidence-based interventions for students with disabilities; and

(d) ~~[skills in assessing and addressing the educational needs and progress of students with disabilities; and~~

~~(e) skills in the implementation of an specialized educational program with accommodations and modifications, as needed, that supplements the Utah Core Standards, as per an IEP, for students with disabilities]~~ skills in the implementation of an educational program with accommodations and modifications established by an IEP for students with disabilities.

D. The Board ~~[shall]~~ may issue Blind and Visually Impaired/Deaf and Hard of Hearing Endorsements required under this rule to meet the highest requirements in the State applicable to a specific profession or discipline required by the Individuals with Disabilities Education Act of 2004 (IDEA), Pub. L. No. 108-446, hereby incorporated by reference.

E. Preschool Special Education (Birth-Age 5) license holders who teach children who are hearing impaired (Birth-Age 5) or vision impaired (Birth-Age 5) or both, in self-contained, categorical classrooms shall hold an endorsement for Deaf and Hard of Hearing (Birth-Age 5) or Blind and Visually Impaired (Birth-Age 5) or both.

**R277-504-7. Miscellaneous.**

A. Beginning with the 2015-2016 school year, an LEA that employs intern teachers shall have a policy that includes the following:

(1) the maximum number of interns that may be supported by each LEA assigned mentor, and

(2) a specific resource commitment to significant and quality LEA support services to interns.

B. The Middle Level license (5-9) continues to be valid; however, the Board has not issued a middle level license (5-9) since April 1, 1989 and it is no longer required of teachers or issued to teachers assigned to the middle school.

C. Consistent with LEA and university policy and R277-508-5E, a student teacher may work as a paid substitute in the classroom of the student teacher's classroom mentor teacher for no more than five days and no more than three consecutive days per university semester.

D. On the days a student teacher is working as a substitute teacher, the candidate's legal status as a substitute teacher/district employee will take precedence over the legal status as a teacher candidate.

E. A student teaching placement may be changed to an internship placement upon agreement of the student teacher, the university program, and the LEA.

**KEY: teacher licensing, professional education**

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

**Notice of Continuation:** **September 2, 2014**

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

**Education, Rehabilitation  
R280-200  
Rehabilitation**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39220

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Rule R280-200 is amended to provide language that clarifies the authority required for the Utah State Office of Rehabilitation (USOR) to make application for new federal grants or reallotment funding.

**SUMMARY OF THE RULE OR CHANGE:** Section R280-200-2 changes the authority to adopt and incorporate by reference from the Utah State Board of Education (Board) to the USOR. Additionally, a new Section R280-200-3 is added to provide the procedures for approval of applications for new federal grants or reallotment funding.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-24-105

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The amendments pertain to USOR and Board procedures which likely will not result in a cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The amendments pertain to USOR and Board procedures which likely will not result in a cost or savings to local government.

◆ **SMALL BUSINESSES:** The amendments pertain to USOR and Board procedures which likely will not result in a cost or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments pertain to USOR and Board procedures 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:** The amendments pertain to USOR and Board procedures which likely will not result in any compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** I have reviewed this rule and I believe that there is likely no fiscal impact on businesses.

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

EDUCATION  
REHABILITATION  
250 E 500 S  
SALT LAKE CITY, UT 84111-3272  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Brad Smith by phone at 801-538-7510, by FAX at 801-538-7768, or by Internet E-mail at brad.smith@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Brad Smith, State Superintendent of Public Instruction

**R280. Education, Rehabilitation.**

**R280-200. Rehabilitation.**

**R280-200-1. Authority and Purpose.**

A. This rule is authorized by Section 53A-24-105 which permits the Utah State Board of Education to administer funds made available for vocational rehabilitation and independent living.

B. The purpose of this rule is to establish the standards and procedures for the Utah State Office of Rehabilitation.

**R280-200-2. Standards and Procedures for Vocational Rehabilitation.**

A. The Utah State ~~[Board of Education]~~Office of Rehabilitation shall adopt[s] and incorporate[s] by reference within this rule the standards and procedures of: the Rehabilitation Act of 1973, P.L. 102-569 (amended in 1998).

B. In addition, the Utah State ~~[Board of Education]~~Office of Rehabilitation shall conduct the Rehabilitation Program consistent with:

(1) All state plans which are required and submitted under P.L. 102-569, including those for Vocational Rehabilitation, Title VI C, and Independent Living Rehabilitation Services and

(2) The Case Service Manual for the Vocational Rehabilitation Program, developed by the Utah State Office of Rehabilitation, 2012, available from the Utah State Office of Rehabilitation and from vocational rehabilitation counselors employed by the Utah State Office of Rehabilitation.

**R280-200-3. Board Approval for Federal Funding Requests.**

A. The Utah State Office of Rehabilitation shall not make application for new federal grants or reallocation funding without prior approval of the Utah State Board of Education. As part of the approval process, the Utah State Office of Rehabilitation shall sufficiently inform the Utah State Board of Education about the implications of all match and maintenance of effort (MOE) requirements.

B. The Utah State Office of Rehabilitation may not borrow ahead from future federal or state years without approval from the Utah State Board of Education.

**KEY: vocational education, rehabilitation**

**Date of Enactment or Last Substantive Amendment:** ~~[June 7, 2013]~~2015

**Notice of Continuation:** April 8, 2013

**Authorizing, and Implemented or Interpreted Law:** 53A-24-105

**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.: 39167

FILED: 03/04/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 10/01/2014, the Air Quality Board 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). The amendments to the SIP were proposed 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. A public comment period for the proposed SIP amendments was held from 11/01/2014 through 12/22/2014, and a number of public comments were received. After reviewing the comments and consulting with EPA, Division of Air Quality staff determined that an alternative to BART approach that considers the additional emission reductions due to the expected closure of the PacifiCorp Carbon plant and controls installed on PacifiCorp Hunter Unit 3 in 2008 would both be approvable by EPA and also provide greater reasonable progress towards improved visibility at Utah's Class I areas. Because Section R307-110-17 is the section that incorporates by reference the latest version of SIP Section IX, Part H (the SIP section that establishes enforceable emission limits), the rule needs to be amended as well.

**SUMMARY OF THE RULE OR CHANGE:** Two new sections are added to Part H of the SIP to include enforceable conditions and emission limitations for the alternative to BART for PacifiCorp Hunter Unit 1, PacifiCorp Hunter Unit 2, PacifiCorp Hunter Unit 3, PacifiCorp Huntington Unit 1, PacifiCorp Huntington Unit 2, and the PacifiCorp Carbon 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, 06/03/2015

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** The emission limits in Part H are already enforceable under approval orders; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The new sections of Part H only apply to PacifiCorp plants; therefore, there are no anticipated costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** The new sections of Part H only apply to PacifiCorp 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 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 enforceable conditions and emission limitations for the alternative to BART for PacifiCorp Hunter Unit 1, PacifiCorp Hunter Unit 2, PacifiCorp Hunter Unit 3, PacifiCorp Huntington Unit 1, and PacifiCorp Huntington Unit 2 should not result in any additional compliance costs as the limits are already established in PacifiCorp's approval orders and operating permits. Likewise, the requirement to close the PacifiCorp Carbon plant should not result in any additional compliance costs as PacifiCorp has already announced the closure of that plant.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The enforceable conditions and emission limitations for the alternative to BART for PacifiCorp Hunter Unit 1, PacifiCorp Hunter Unit 2, PacifiCorp Hunter Unit 3, PacifiCorp Huntington Unit 1, and PacifiCorp Huntington Unit 2 should not have a fiscal impact on businesses as the limits are already established in PacifiCorp's approval orders and operating permits. Likewise, the requirement to close the PacifiCorp Carbon plant should not have a fiscal impact on businesses as PacifiCorp has already announced the closure of that plant.

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 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 06/04/2015

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~~June 3, 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:** [~~December 4, 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.: 39166  
 FILED: 03/04/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 10/01/2014, the Air Quality Board 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. The amendments to the SIP were proposed 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. Therefore, the proposed amendment to the SIP included a five-factor analysis. A public comment period for the proposed SIP amendments was held from 11/01/2014 through 12/22/2014, and a number of public comments were received. After reviewing the comments and consulting with EPA, Division of Air Quality staff determined that an alternative to BART approach that considers the additional emission reductions due to the expected closure of the PacifiCorp Carbon plant and controls installed on PacifiCorp Hunter Unit 3 in 2008 would both provide greater reasonable progress towards improved visibility at Utah's Class I areas and be approvable by EPA. This alternative to BART approach was proposed for public comment by the Air Quality Board and is available for public review at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>. Because Section R307-110-28 incorporates by reference the latest version of Utah's regional haze SIP Section XX adopted by the Air Quality Board, the rule needs to be amended as well. The public review and comment period for proposed SIP amendments, the technical support documentation, and the proposed amendment to Section R307-110-28 will run simultaneously.

**SUMMARY OF THE RULE OR CHANGE:** The rule is changed to incorporate the version of the regional haze SIP as adopted by the Air Quality Board on 06/03/2015. The SIP is amended to explicitly identify an alternative to BART for NOx that keeps in place the current NOx emission limits for PacifiCorp Hunter 1 and 2 and PacifiCorp Huntington 1 and 2 that are more stringent than EPA's presumptive BART limits; takes credit for installation of low-NOx burners at PacifiCorp Hunter 3 in 2008; and makes enforceable the expected closure of PacifiCorp Carbon 1 and 2.

**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 Utah Division of Air Quality, 06/03/2015

**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 to the SIP or the rule that affect local governments; therefore, there are no anticipated costs or savings.

- ◆ **SMALL BUSINESSES:** The changes made to the SIP address an alternative to BART 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 conditions and emission limitations for the alternative to BART for the PacifiCorp Hunter and Huntington plants should not result in any additional compliance costs as the limits are already established in PacifiCorp's approval orders and operating permits. Likewise, the requirement to close the PacifiCorp Carbon plant should not result in any additional compliance costs as PacifiCorp has already announced the closure of that plant.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The conditions and emission limitations for the alternative to BART for the PacifiCorp Hunter and Huntington plants should not result in any additional compliance costs as the limits are already established in PacifiCorp's approval orders and operating permits. Likewise, the requirement to close the PacifiCorp Carbon plant should not result in any additional compliance costs as PacifiCorp has already announced the closure of that plant.

**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](mailto:mberger@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 06/04/2015**

**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~~]June 3, 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:** [~~December 4, 2014~~]2015

**Notice of Continuation:** February 1, 2012

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

## Environmental Quality, Air Quality

### R307-210

### Stationary Sources

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39168

FILED: 03/04/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule incorporates the majority of 40 Code of Federal Regulations (CFR) Part 60 into the Utah Air Quality Rules. Since 07/01/2011, 40 CFR Part 60 has undergone many substantive changes that have not been incorporated into the state rules; therefore, Rule R307-210 needs to be amended to incorporate the changes published as of 07/01/2014. The federal rules already apply to the sources; incorporating them into the state rule allows the Division of Air Quality to enforce the standards.

**SUMMARY OF THE RULE OR CHANGE:** Amendments in the federal New Source Performance Standards have been made in 40 CFR Part 60 since Utah last incorporated the standards by reference into Rule R307-210. This rulemaking incorporates the revised federal standards through 07/01/2014. The following amendments to 40 CFR Part 60 are what is being incorporated into Rule R307-210. On 01/18/2012, the Environmental Protection Agency (EPA) amended 40 CFR Part 60, Appendix A to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule allowed the use of alternatives in field and laboratory applications previously impermissible as part of compliance with EPA regulations. The older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. On 02/16/2012, the EPA amended 40 CFR Part 60, Subpart A, B, D, Da, Db, and Dc to revise standards of performance in response to a voluntary remand

of a final rule. Specifically, they amended new source performance standards (NSPS) after analysis of the public comments. The EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. On 04/19/2012, EPA amended 40 CFR Part 60, Subpart Da to correct certain preamble and regulatory text. This action corrected typographical errors, such as cross-reference errors and certain preamble text that is not consistent with the final regulatory text, which published in the Federal Register on Thursday, 02/16/2012. On 07/30/2012, EPA amended 40 CFR Part 60, Appendix A to promulgate Method 16C for measuring total reduced sulfur (TRS) emissions from stationary sources. Method 16C offers the advantages of real-time data collection and uses procedures that are already in use for measuring other pollutants. Method 16C will be a testing option that is used at the discretion of the tester. On 07/14/2012, EPA amended 40 CFR Part 60, Subpart A, Ga, New source performance standards (NSPS) for nitric acid plants. Nitric acid plants include one or more nitric acid production units (NAPUs). These revisions include a change to the nitrogen oxides (NOX) emission limit, which applies to each NAPU commencing construction, modification, or reconstruction after 10/14/2011. These revisions also include additional testing and monitoring requirements. On 08/16/2012, the EPA amended 40 CFR Part 60, Subparts KKK, LLL, OOOO to finalize the review of new source performance standards for certain oil and natural gas source sources. In this action, the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The rule also establishes standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers, and storage vessels. This action also finalizes the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action included revisions to the existing leak detection and repair requirements. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown, and malfunction. This final rule became effective on 10/15/2012. On 09/12/2012, the EPA amended 40 CFR Part 60, Subpart A, J, Ja to finalize amendments to Standards of Performance for Petroleum Refineries and new standards of performance for petroleum refinery process units constructed, reconstructed or modified after 05/14/2007. On 01/30/2013, EPA amended Subpart A, IIII, JJJ to amend the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments included alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines,

management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also corrected minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines. On 02/07/2013, EPA amended Subpart CCCC and DDDD to implement the final decision on the issues for which EPA granted reconsideration in December 2011, which pertain to certain aspects of the 03/21/2011, final rule titled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (CISWI rule). This final action established effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, applicability and compliance issues. The purpose of these amendments was to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended. On 02/12/2013, EPA amended Subpart F, the new source performance standard for particulate matter for the Portland cement industry. These amendments promoted flexibility, reduced costs, eased compliance, and preserve health benefits. The EPA set the date for compliance with the existing source national emission standards for hazardous air pollutants to be 09/09/2015. On 03/03/2013, EPA amended Subpart A, IIII, and JJJJ by making changes to Table 2c of Subpart ZZZZ. On 04/24/2013, EPA amended Subpart Da by taking final action on its reconsideration of certain issues in the final MATS NESHAP issued pursuant to CAA section 112, and the New Source Performance Standards rule issued pursuant to CAA section 111 which is referred to as the Utility NSPS. The Administrator received petitions for reconsideration of certain aspects of the MATS NESHAP and the Utility NSPS. On 11/30/2012, the EPA granted reconsideration of, proposed, and requested comment on a limited set of issues. In this rulemaking, EPA took final action on the revised new source numerical standards in the MATS NESHAP and the definitional and monitoring provisions in the Utility NSPS that were addressed in the proposed reconsideration rule. As part of this action, the EPA made certain technical corrections to both the MATS NESHAP and the Utility NSPS. On 05/13/2013, EPA amended Subpart Ec by finalizing amendments to the federal plan and the new source performance standards for hospital/medical/infectious waste incinerators. These final actions implemented national standards promulgated in the 2009 amendments to the hospital/medical/infectious waste incinerator emissions guidelines that result in reductions in emissions of certain pollutants from all affected units. This rule became effective 06/12/2013. On 07/07/2013, EPA amended Subpart CCCC by setting forth the EPA's final decision on the issues for

which it granted reconsideration in December 2011, which pertain to certain aspects of the 03/21/2011, final rule titled "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (CISWI rule). This action also included the final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration of the final commercial and industrial solid waste incineration rule for which reconsideration was not granted. Among other things, this final action established effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, applicability, and compliance issues. In addition, the EPA issued final amendments to the regulations that were codified by the Non-Hazardous Secondary Materials rule (NHSM rule). The purpose of these amendments was to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended. This subpart took effect on 08/07/2013. On 09/23/2013, the EPA amended Subpart OOOO to finalize the amendments to new source performance standards for the oil and natural gas sector. The administrator received petitions for reconsideration of certain aspects of the 08/12/2012, final standards. These amendments are a result of reconsideration of certain issues raised by petitioners related to implementation of storage vessel provisions. The final amendments provide clarity of notification and compliance dates, ensure control of all storage vessel affected facilities and update key definitions. This action also corrected technical errors that were inadvertently included in the final standards. This final rule was effective on 09/23/2013. On 12/19/2013, EPA amended Subpart Ja by taking direct final action to amend the Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced after 05/14/2007. This direct final rule amended the definition of "delayed coking unit" by removing process piping and associated equipment (pumps, valves, and connectors) from the definition. This final rule also removed a redundant definition of "delayed coking unit" from the rule text. On 02/27/2014, EPA amended Subparts and Appendices of Part 60 by promulgating technical and editorial corrections for source testing of emissions and operations. Some current testing provisions contained inaccuracies and outdated procedures, and new alternatives were added. The revisions improved the quality of data and gave testers additional flexibility to use the newly approved alternative procedures. This rule became effective on 02/27/2014. On 04/04/2014, EPA amended Subparts A, and BBa by finalizing revisions to the new source performance standards for kraft pulp mills. These revised standards included particulate matter emission limits for recovery furnaces; smelt dissolving tanks and lime kilns, and opacity limits for recovery furnaces and lime kilns equipped with electrostatic precipitators. These revised standards apply to emission units commencing construction, reconstruction or modification after 05/23/2013. This final rule removed the General Provisions exemption for periods of startup, shutdown, and malfunction resulting in a standard that applies at all times. This final rule also included



additional testing requirements and updated monitoring, recordkeeping and reporting requirements for affected sources, including electronic reporting of performance test data. These revisions to the testing, monitoring, recordkeeping, and reporting requirements are expected to ensure that control systems are properly maintained over time, ensure continuous compliance with standards and improve data accessibility for the EPA, states, tribal governments and communities. This final action was effective on 04/04/2014. On 05/06/2014, EPA amended Subpart A, Ga by making a change to a calculation. On 05/16/2014, EPA amended Appendix F to promulgate quality assurance and quality control (QA/QC) procedures (referred to as Procedure 3) for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS) issued by the EPA pursuant to section 111(b).

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

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates 40 CFR 60, published by National Archives and Records Administration's Office of the Federal Register, July 1, 2014

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There are no additional costs or savings to the state budget because all costs to the state to enforce these rules are offset by the fees paid by the source under the Operating Permit Rule R307-415.
- ◆ **LOCAL GOVERNMENTS:** There are no additional costs or savings to local governments, as the state is already enforcing these rules, and the cost of enforcing the regulations is covered by the fees paid by the affected sources for their permit under Rule R307-415.
- ◆ **SMALL BUSINESSES:** There are no anticipated savings or costs to small businesses as all of these rules are in effect federally and sources are already subject to any of the costs that may result.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated savings or costs as all of these rules are in effect federally and sources are already subject to any of the associated costs.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons as all of these rules are in effect federally and sources are already subject to any of the costs that may result.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no appreciable costs for business in incorporating these federal rules into Utah's rules as the affected businesses already are subject to the federal requirement.

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 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 06/04/2015

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.**

**R307-210. Stationary Sources.**

**R307-210-1. Standards of Performance for New Stationary Sources (NSPS).**

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, [2014]2014, except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

~~**[R307-210-2. Oil and Gas Sector: New Source Performance Standards.**~~

~~The "Oil and Gas Sector: New Source Performance Standards" in 40 CFR 60.17, 40 CFR Part 60 Subpart KKK, 40 CFR Part 60 Subpart LLL, and 40 CFR Part 60 Subpart OOOO promulgated by the Environmental Protection Agency on August 16, 2012 in 77 FR 49490 and revised on September 23, 2013 in 78 FR 58435 are hereby incorporated by reference.~~

**[KEY: air pollution, stationary sources, new source review**

**Date of Enactment or Last Substantive Amendment: [March 6, 2014]2015**

**Notice of Continuation: April 6, 2011**

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

**Environmental Quality, Air Quality**  
**R307-214**  
**National Emission Standards for**  
**Hazardous Air Pollutants**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39169

FILED: 03/04/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R307-214 must be updated periodically to reflect changes to the NESHAPs as published in Title 40 of the Code of Federal Regulations (40 CFR), Parts 61 and 63. This action incorporates by reference into Rule R307-214 the 07/01/2014 version of 40 CFR, Parts 61 and 63.

SUMMARY OF THE RULE OR CHANGE: Section R307-214-1 is amended by changing the version of 40 CFR Part 61 that is incorporated by reference into the rule to the 07/01/2014 version. Rule R307-214-2 is amended by changing the version of 40 CFR Part 63 that is incorporated by reference into the rule to the 07/01/2014 version. From 07/01/2013 to 07/01/2014, EPA finalized relatively few actions that made changes in 40 CFR Parts 61 and 63 that affect Rule R307-214. Those actions include revising test methods and testing regulations; amending national emission standards for hazardous air pollutants from secondary lead smelting; and amending national emission standards for hazardous air pollutant emissions from group IV polymers and resins, pesticide active ingredient production, and polyether polyols production.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates 40 Code of Federal Regulations, Parts 61 and 63, published by National Archives and Records Administration's Office of the Federal Register, 07/01/2014

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** No cost or savings are anticipated for the state budget as this amendment does not create any new requirements for the state.
- ◆ **LOCAL GOVERNMENTS:** No costs or savings are anticipated for local governments as this amendment does not create any new requirements.
- ◆ **SMALL BUSINESSES:** No cost or savings is anticipated for small businesses as this amendment does not create any new requirements.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No costs or savings are anticipated for persons other than small businesses, businesses, or local government entities as this amendment does not create any new requirements.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No cost or savings are anticipated for affected persons as this amendment does not create any new requirements.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** No cost or savings are anticipated for affected persons as this amendment does not create any new requirements.

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 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 06/04/2015

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.****R307-214. National Emission Standards for Hazardous Air Pollutants.****R307-214-1. Pollutants Subject to Part 61.**

The provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of July 1, [2013]2014, are incorporated into these rules by reference. For pollutant emission standards delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the director.

**R307-214-2. Sources Subject to Part 63.**

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, [2013]2014, are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the director, unless by federal law the authority is specific to the Administrator and cannot be delegated.

- (1) 40 CFR Part 63, Subpart A, General Provisions.
- (2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).
- (3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- (4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- (5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

- (6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- (7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.
- (8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.
- (9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- (10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- (11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.
- (12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- (13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- (14) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.
- (15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- (16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.
- (17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.
- (18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- (19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- (20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.
- (21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- (22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.
- (23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.
- (24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.
- (25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.
- (26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.
- (27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.
- (28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.
- (29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.
- (30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).
- (31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).
- (32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).
- (33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- (34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).
- (35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- (36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.
- (37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- (38) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- (39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- (40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.
- (41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.
- (42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- (43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.
- (44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.
- (45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- (46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- (47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).
- (48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

- (49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.
- (50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- (51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- (52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- (53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- (54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.
- (55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.
- (56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.
- (57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).
- (58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.
- (59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.
- (60) 40 CFR Part 63, Subpart HHHH, National Emission Standards for Wet-Formed Fiberglass Mat Production.
- (61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.
- (62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.
- (63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.
- (64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- (65) 40 CFR Part 63, Subpart NNNN, National Emission Standards for Large Appliances Surface Coating Operations.
- (66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.
- (67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- (68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.
- (69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.
- (70) 40 CFR Part 63, Subpart SSSS, National Emission Standards for Metal Coil Surface Coating Operations.
- (71) 40 CFR Part 63, Subpart TTTT, National Emission Standards for Leather Tanning and Finishing Operations.
- (72) 40 CFR Part 63, Subpart UUUU, National Emission Standards for Cellulose Product Manufacturing.
- (73) 40 CFR Part 63, Subpart VVVV, National Emission Standards for Boat Manufacturing.
- (74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.
- (75) 40 CFR Part 63, Subpart XXXX, National Emission Standards for Tire Manufacturing.
- (76) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- (77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- (78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- (79) 40 CFR Part 63, Subpart BBBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- (80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- (81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- (82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- (83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.
- (84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.
- (85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.
- (86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- (87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- (88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- (89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.
- (90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PTTTT, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart UUUUU, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(98) 40 CFR Part 63, Subpart WWWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers.

(99) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.

(100) 40 CFR Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(101) 40 CFR Part 63 Subpart BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(102) 40 CFR Part 63 Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(103) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(104) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(105) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(106) 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(107) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

(108) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(109) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

(110) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

(111) 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

(112) 40 CFR Part 63, Subpart PTTTTT, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

(113) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(114) 40 CFR Part 63, Subpart RRRRRR, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

(115) 40 CFR Part 63, Subpart SSSSSS, National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.

(116) 40 CFR Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.

(117) 40 CFR Part 63, Subpart TTTTTT, National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

(118) 40 CFR Part 63, Subpart WWWWWW, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

(119) 40 CFR Part 63, Subpart XXXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

(120) 40 CFR Part 63, Subpart YYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.

(121) 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

(122) 40 CFR Part 63, Subpart AAAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

(123) 40 CFR Part 63, Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.

(124) 40 CFR Part 63, Subpart CCCCCC, National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

(125) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

(126) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

**KEY: air pollution, hazardous air pollutant, MACT, NESHAP**  
**Date of Enactment or Last Substantive Amendment: [~~August 7,~~ 2014]2015**  
**Notice of Continuation: November 8, 2012**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**  
**(a)**

**Health, Disease Control and  
Prevention, Epidemiology  
R386-703  
Injury Reporting Rule**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 39170  
FILED: 03/05/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule has been amended to include the reporting of all blood lead test results. Currently, only results  $\geq 10$  micrograms/dL are reportable. The Centers for Disease Control and Prevention has lowered their level of concern, for blood lead levels in children, to include blood lead results from 5.0-9.9 micrograms/dL. Laboratories currently reporting to Utah, provide all blood lead test results from children and adults, except one laboratory, only reports  $\geq 10$  micrograms/dL as per the Injury Reporting Rule. This amendment will assist to gather the additional data from this laboratory and others in the future and provide the continued support needed, to those laboratories currently reporting all blood lead test results. Acquiring these additional blood lead results from laboratories will further enhance the surveillance and epidemiological efforts in Utah.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment adds that all blood lead test results be reportable and explains the minimum reporting content, for those blood lead levels  $< 10$  micrograms/dL.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-1-30 and Section 26-6-3

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There are no anticipated costs or savings at the state level. Any costs will come out of existing budgets. The Environmental Epidemiology Program (EEP) reviewed the work requirements associated with the reporting of blood lead levels and determined there would be no change in the work efforts for EEP, the Utah Department of Health, or any of our partner agencies. The reporting is automated.

◆ **LOCAL GOVERNMENTS:** There will be no anticipated costs or savings to local government adding this language to the rule. The EEP reviewed the work requirements associated with the reporting of blood lead levels and determined there would be no change in the work efforts for local health departments or other local governments.

◆ **SMALL BUSINESSES:** As stated above, all laboratories currently reporting to the Utah Department of Health, report all blood lead test results except for one, the Laboratory Corporation of America (LabCorp). LabCorp may have anticipated costs or savings by adding this language to the

rule. The cost would be associated with any programming changes needed to their report generation system to include all the tests that are reportable under the proposed change.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The EEP reviewed the list of stakeholders and partners and determined there would be no change in the work efforts for partners and stakeholders that are not laboratories.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There will be no anticipated costs or savings to affected persons as a result of adding this language to this rule. Although, laboratories, one (LabCorp) in specific, will need to change their reporting criteria, in their reporting system. This will require a variable value change in their automated report generating information system. The EEP reviewed the work effort resulting from laboratory reporting for all stakeholders and partners and determined no change in the work effort would result from the proposed language change.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Impact on business will have minimum impact because all labs but one currently reports all test results. The one lab will be impacted as it changes procedure to report all test results.

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

HEALTH  
DISEASE CONTROL AND PREVENTION,  
EPIDEMIOLOGY  
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:**

◆ Sam LeFevre by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at slefevre@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015**

**AUTHORIZED BY: David Patton, PhD, Executive Director**

**R386. Health, Disease Control and Prevention, Epidemiology.  
R386-703. Injury Reporting Rule.**

**R386-703-1. Purpose Statement.**

(1) The Injury Reporting Rule is adopted under authority of Sections 26-1-30 and 26-6-3.

(2) The Injury Reporting Rule establishes an injury surveillance and reporting system for major injuries occurring in Utah. Injuries constitute a leading cause of death and disability in Utah and, therefore, pose an important risk to public health.

(3) Rule R386-703 is adopted with the intent of identifying causes of major injury which can be reduced or eliminated, thereby reducing morbidity and mortality.

**R386-703-2. Injury Definition.**

(1) Injury is defined as bodily damage resulting from exposure to physical agents such as mechanical energy, thermal energy, ionizing radiation, or chemicals, or resulting from the deprivation of basic environmental requirements such as oxygen or heat. Mechanical energy injuries include acceleration and deceleration injuries, blunt trauma, and penetrating wound injuries.

**R386-703-3. Reportable Injuries.**

(1) The Utah Department of Health declares the following injuries to be of concern to the public's health. Each case shall be reported to the Utah Department of Health as described in R386-703-4.

(a) Acute traumatic brain injury. Reportable acute traumatic brain injuries include head injuries of sufficient severity to cause death or to require admission to a hospital. Acute traumatic brain injuries may be associated with transient or persistent neurological dysfunction, and may be diagnosed as brain concussions, brain contusions, or traumatic intracranial hemorrhages.

(b) Acute spinal cord injury. Reportable acute spinal cord injuries include traumatic injuries to the contents of the spinal canal, spinal cord or cauda equina, which result in death or which result in transient or persistent neurological dysfunction of sufficient severity to require hospital admission.

(c) Blunt force injury. Reportable injuries include all blunt force injuries which result in death or which are of sufficient severity to require hospital admission.

(d) Drowning and near drowning. Reportable drownings and near drownings include all water immersion injuries resulting in death and other water immersion injuries of sufficient severity to require hospital admission.

(e) Asphyxiation. Reportable asphyxiations include injuries which arise from atmospheric oxygen deprivation or from traumatic respiratory obstruction which result in death or which are of sufficient severity to require hospital admission.

(f) Burns. Reportable burn injuries include injuries resulting from acute thermal exposure or exposure to fire which result in death or which are of sufficient severity to require hospital admission.

(g) Electrocution. Reportable electrocution injuries include injuries arising from exposure to electricity which result in death or which are of sufficient severity to require hospital admission.

(h) ~~Elevated~~ Blood Lead. All blood lead test results are reportable. ~~Reportable~~ Cases of elevated blood lead levels include all persons with whole blood lead concentrations equal to or greater than 10 micrograms per deciliter.

(i) Chemical Poisoning. Reportable cases of chemical poisoning include all persons with acute exposure to toxic chemical substances which result in death or which require hospital admission or hospital emergency department evaluation. Unintentional adverse health effects resulting from the use of pharmacological agents as prescribed by physicians do not require reporting under this rule.

(j) Intentional Injuries. Reportable intentional injuries include all cases of suicide or attempted suicide resulting in hospital admission and all cases of homicide, attempted homicide, or battery resulting in hospitalization.

(k) Injuries Related to Substance Abuse. Reportable injuries include all cases of injury resulting in death or hospitalization and associated with alcohol or drug intoxication of any person involved in the injury occurrence.

(l) Traumatic Amputations. Reportable amputations include traumatic amputations of a limb or part of a limb which result in death or which require hospital admission or hospital emergency department treatment. Only amputations resulting in bone loss shall be reported.

**R386-703-4. Report Requirements.**

(1) Non-Case Report Contents. Unless otherwise specified, each blood lead result shall provide at minimum the following: name, date of birth or age if date of birth is unknown, sex, zip code, and the individual or agency submitting the report.

~~(1)~~<sup>(2)</sup> Case Report Contents. Unless otherwise specified, each injury report shall provide the following information pertaining to the injured person: name, date of birth or age if date of birth is unknown, sex, address of residence, date of injury, type of injury, external cause of injury, locale of injury, intentionality, relation of injury to occupation, disposition of the injured person, and the individual or agency submitting the report. A standard report format has been adopted and shall be supplied to reporting sources by the Department of Health upon request.

~~(2)~~<sup>(3)</sup> Agencies or Individuals Required to Report Injuries. A reportable injury evaluated or treated at a hospital shall be reported by that hospital. Reportable injuries not evaluated at a hospital shall be reported by the involved physician, nurse, other health care practitioner, medical examiner, or laboratory administrator.

~~(3)~~<sup>(4)</sup> Time Requirements. Persons required to report shall submit their reports to the local health department or the Utah Department of Health within 60 days of the time of diagnosis or recognition of injury. In the event of an unusual or excessive occurrence of injuries which may arise from a continuing or immediate threat to the public's health, persons required to report shall immediately report by telephone to the local health officer or to the Utah Department of Health.

~~(4)~~<sup>(5)</sup> Case Report Destinations. Each case of injury shall be reported to the Utah Department of Health or to the local health department responsible for the geographic area where the injury occurred.

(a) The local health officer shall forward all original reports to the Utah Department of Health. Local health departments may maintain copies of these reports.

(b) Except as noted in R386-703-4(c), (d) and (e), case reports shall be sent to the Bureau of Epidemiology of the Utah Department of Health.

(c) In fatal cases, submission of completed death certificates to the Bureau of Vital Records fulfills reporting requirements.

(d) In cases evaluated in hospital emergency departments, submission of properly completed hospital emergency department logs to the Bureau of Emergency Medical Services will fulfill reporting requirements, provided that the records are submitted

through an electronic medium in a computer database format acceptable to the Bureau of Emergency Medical Services.

(e) In cases where reportable injuries listed in R386-703-3 are reported under the requirements of the Utah Health Data Authority Act, 26-33a, the data supplier may notify the Utah Department of Health in writing that information relating to individuals with a reportable injury will be supplied to the Bureau of Epidemiology before the identifying information is removed from the data file. Any data provided in this manner fulfills reporting requirements. If permission is not granted by the data supplier, duplicate reporting is required.

**R386-703-5. Special Investigations of Injury.**

(1) The Utah Department of Health and local health departments may conduct epidemiologic investigations of injury occurrence. The Utah Department of Health and local health departments may collect additional information pertaining to risk factors, medical condition, and circumstances of injury. Hospitals and other health care providers shall, upon request, provide authorized health personnel the occasion to inspect medical records of reportable injuries. The Utah Department of Transportation, Utah Industrial Commission, Utah Department of Public Safety, and local public safety agencies shall make available to authorized health personnel information on reportable injuries.

**R386-703-6. Confidentiality of Reports.**

(1) All reports herein required are confidential and are not open to public inspection. The confidentiality of personal information obtained under this rule shall be maintained according to the provisions of Sections 26-6-27 through 26-6-30. Nothing in this rule, however, precludes the discussion of case information with the attending physician or public health workers.

**R386-703-7. Penalties.**

(1) Enforcement provisions and penalties for the violation or for the enforcement of public health rules, including this Injury Reporting Rule, are prescribed under Sections 26-23-3 through 26-23-6.

**KEY: rules and procedures, injury**

**Date of Enactment or Last Substantive Amendment:** [January 1, 1997] 2015

**Notice of Continuation:** March 14, 2011

**Authorizing, and Implemented or Interpreted Law:** 26-1-30

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**Health, Health Care Financing,  
Coverage and Reimbursement Policy  
R414-303-8  
Foster Care, Former Foster Care Youth  
and Independent Foster Care  
Adolescents**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39165

FILED: 03/04/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this change is to clarify coverage under the Former Foster Care Youth coverage group and the Independent Foster Care Adolescents program.

**SUMMARY OF THE RULE OR CHANGE:** This amendment clarifies when individuals may become eligible for Former Foster Care Youth and the Independent Foster Care Adolescent program. It also makes other technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Pub. L. No. 111-148 and Section 26-1-5 and Section 26-18-3

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Adds Subsection 1902(a)(10)(A)(ii)(XVII) of the Compilation of Social Security Laws, published by Social Security Administration, 01/01/2015
- ◆ Updates Subsection 1902(a)(10)(A)(i)(IX) of the Compilation of Social Security Laws, published by Social Security Administration, 01/01/2015
- ◆ Updates 42 CFR 435.115(e)(2), published by Government Printing Office, 10/01/2014

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment only clarifies when individuals may become eligible for Former Foster Care Youth and the Independent Foster Care Adolescent program.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not fund or provide Medicaid services to Medicaid recipients.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment only clarifies when individuals may become eligible for Former Foster Care Youth and the Independent Foster Care Adolescent program.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid recipients because this amendment only clarifies when individuals may become eligible for Former Foster Care Youth and the Independent Foster Care Adolescent program.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because this amendment only clarifies when individuals may become eligible for Former Foster Care Youth and the Independent Foster Care Adolescent program.



COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact on business because the amendment neither expands nor reduces eligibility requirements for medical assistance recipients or Medicaid providers.

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

HEALTH  
HEALTH CARE FINANCING,  
COVERAGE AND REIMBURSEMENT POLICY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: David Patton, PhD, Executive Director

(4) The Department elects to cover individuals who ~~age out of~~ are in foster care under the responsibility of the State at the time the individual turns 18 years of age, are not eligible under the Former Foster Care Youth coverage group, and who are 18 years old but not yet 21 years old as described in Subsection 1902(a)(10)(A)(ii)(XVII) of the Social Security Act. This coverage is under the Independent Foster Care Adolescents program. The Department determines eligibility according to the following requirements.

(a) At the time the individual turns 18 years of age, the individual must be in the custody of the Division of Child and Family Services, or the Department of Human Services if the Division of Child and Family Services is the primary case manager, or a federally recognized Indian tribe, but not in the custody of the Division of Youth Corrections.

(b) Income and assets of the child are not counted to determine eligibility under the Independent Foster Care Adolescents program.

(c) When funds are available, an eligible independent foster care adolescent may receive Medicaid under this coverage group until he or she reaches 21 years of age, and through the end of that month.

**KEY: MAGI-based, coverage groups, former foster care youth, presumptive eligibility**

**Date of Enactment or Last Substantive Amendment: [December 1, 2014]2015**

**Notice of Continuation: January 23, 2013**

**Authorizing, and Implemented or Interpreted Law: 26-18-3; 26-1-5**

**R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**

**R414-303. Coverage Groups.**

**R414-303-8. Foster Care, Former Foster Care Youth and Independent Foster Care Adolescents.**

(1) The Department adopts and incorporates by reference 42 CFR 435.115(e)(2), October 1, 201[2]4 ed. ~~and~~ The Department also adopts and incorporates by reference Subsection 1902(a)(10)(A)(i)(IX) and Subsection 1902(a)(10)(A)(ii)(XVII) of the Social Security Act, effective January 1, 201[3]5.

(2) Eligibility for foster children who meet the definition of a dependent child under the State Plan for Aid to Families with Dependent Children in effect on July 16, 1996, is not governed by this rule. The Department of Human Services determines eligibility for foster care Medicaid.

(3) The Department covers individuals who ~~age out of foster care~~ are under the responsibility of the State and meet the criteria of Subsection 1902(a)(10)(A)(i)(IX) of the Social Security Act. Former Foster Care Youth is the name of this coverage group. [This coverage is called the Former Foster Care Youth. These individuals must be enrolled in Utah Medicaid at the time they age out of foster care.]

(a) Coverage is available through the month in which the individual turns 26 years of age.

(b) There is no income or asset test for eligibility under this group.

**Health, Family Health and Preparedness, Licensing R432-725 Personal Care Agency Rule**

**NOTICE OF PROPOSED RULE (Amendment)**

DAR FILE NO.: 39232

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clearly define the definition of what services a personal care agency may provide; and to add a rule that lists the documentation required in the personal care agency employee files.

**SUMMARY OF THE RULE OR CHANGE:** In Subsection R432-725-3(2), added a section in regards to a "Transportation Service Agency" not being required to be licensed as a personal care agency. In Subsection R432-725-4(e), added the definition of a "Transportation Service Agency". In Subsection R432-725-4(c)(ii), added the process

to be followed for medications to be set up in medisets by a registered nurse. In Section R432-725-13 changed the title from "Client Records" to "Facility Records"; added, records shall be protected, each client will have a separate record and a section that lists what is required to be in the employee file. The Health Facility Committee reviewed and approved these rule amendments on 11/12/2014 and 02/11/2015.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no impact to the state budget because the changes in this rule only clarify the current requirements and there is no change in current practice.
- ◆ LOCAL GOVERNMENTS: There is no impact to local governments because the changes in this rule only clarify the current requirements and there is no change in current practice.
- ◆ SMALL BUSINESSES: There is no impact to small because the changes in this rule only clarify the current requirements and there is no change in current practice.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact to businesses, individuals, local governments, and persons that are not small businesses because the changes in this rule only clarify the current requirements and there is no change in current practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to affected persons because the changes in this rule only clarify the current requirements and there is no change in current practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment has no impact on business because it does not make any changes to current standard practices.

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

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
LICENSING  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
- ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/15/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2015

AUTHORIZED BY: David Patton, PhD, Executive Director

**R432. Health, Family Health and Preparedness, Licensing.**

**R432-725. Personal Care Agency Rule.**

**R432-725-3. Compliance.**

~~(1) A personal care agency consists of two or more individuals providing personal care services on a visiting basis.~~

~~(2) A Personal Care Agency shall not exceed personal care services as defined in R432-725-4(2)(b)c.~~

~~(2) A Transportation Services Agency does not require a Personal Care Agency license.~~

**R432-725-4. Definitions.**

(1) See common definitions rule R432-1-3.

(2) Special definitions:

(a) "Licensed health care professional" means a registered nurse, physician assistant, advanced practice registered nurse, or physician licensed by the Utah Department of Commerce who has education and experience to assess and evaluate the health care needs of the resident.

~~(b) A "Personal Care Agency" consists of two or more individuals providing personal care services on a visiting basis.~~

~~(c) "Personal Care Services" means:~~

~~(i) self-administration of medications [by]with the assistance of a Personal Care Aide which may include:~~

~~(A) Reminding the client to take medications, and~~

~~(B) Opening containers for the client;~~

~~(ii) medication set up by a Registered Nurse, which shall include:~~

~~(A) completing a functional assessment;~~

~~(B) reviewing all medication orders; and~~

~~(C) placing medication in mediset containers.~~

~~(iii) transferring;~~

~~(i[iv]) personal grooming and dressing;~~

~~(i[v]) eating and meal preparation;~~

~~(i[vi]) oral hygiene and denture care;~~

~~(i[vii]) toileting and toilet hygiene;~~

~~(i[viii]) bathing;~~

~~(i[ix]) taking and recording temperatures and weights;~~

~~(i[x]) administering emergency first aid;~~

~~(i[xi]) providing transportation.~~

~~(e)d "Service Agreement" means a written agreement for services between the client and the personal care provider which outlines how the services are to be provided.~~

~~(e) "Transportation Services Agency" means an agency that provides transportation and does not provide any Personal Care Services.~~

**R432-725-13. [Client]Personal Care Agency Records.**

(1) The Personal Care Agency shall maintain accurate and complete records. Records shall be filed, stored safely, and be easily accessible to staff and the Department.

~~(2) Records shall be protected against access by unauthorized individuals.~~

(3) The Personal Care Agency shall maintain a separate record for each Client [records] which shall be retained by the agency for three years following the last date of service[;].

([3]4) The [e]Client record shall contain the following:

- (a) Client's name, date of birth and address;
- (b) Client service agreement;
- (c) Name, address, and telephone number of the individual to be notified in case of accident, emergency or death;
- (d) Documentation of date and reason for the termination of services.

(5) The Personal Care Agency shall maintain personnel records for each employee and shall retain such records for at least three years following termination of employment. Personnel records must include the following:

- (a) employee application;
- (b) date of employment;
- (c) termination date;
- (d) reason for leaving;
- (e) documentation of first aid training;
- (f) health inventory;
- (g) TB skin test documentation; and
- (h) documentation of criminal background screening authorization.

**KEY: health care facilities**

**Date of Enactment or Last Substantive Amendment: [~~October 1, 2014~~2015]**

**Authorizing, and Implemented or Interpreted Law: 26-21**

## Natural Resources, Wildlife Resources R657-3 Collection, Importation, Transportation, and Possession of Animals

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39217

FILED: 03/16/2015

### 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 for taking public input and reviewing the Division of Wildlife Resources' (DWR) animal program.

**SUMMARY OF THE RULE OR CHANGE:** The amendments to this rule amend the status of the prairie dog to controlled for lethal take and prohibited for live collection, importation, and possession. (DAR NOTE: The proposed new Rule R657-70, Taking Utah Prairie Dogs, is under DAR No. 39216 in this issue, April 1, 2015, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 23-13-14 and Section 23-14-18 and Section 23-14-19 and Section 23-20-3 and Section 63-30-1

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The amendment makes necessary classification changes to allow for the controlled take of prairie dogs. DWR determines that these amendments will not create any 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:** None--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:** These amendments make the necessary classification changes to allow for the controlled take of prairie dogs. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments make the necessary classification changes to allow for the controlled take of prairie dogs. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The amendments are for clarification and to establish the criteria for the controlled take of prairie dogs. DWR determines that there are no additional compliance costs associated with this amendment.

**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 05/01/2015**

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Gregory Sheehan, Director

**R657. Natural Resources, Wildlife Resources.**

**R657-3. Collection, Importation, Transportation, and Possession of Animals.**

**R657-3-1. Purpose and Authority.**

(1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of animals and their parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, propagation and possession of species of animal species under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-38, R657-40, R657-41, R657-43, R657-44, R657-46 and R657-52 through R657-60. Where a more specific provision has been adopted, that provision shall control.

(4) The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under Section 4-23-11 and Rule R657-14, except as permitted by the Utah Department of Agriculture and Food.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

(6) The English and scientific names used throughout this rule for animals are, at the time of publication, the most widely accepted names. The English and the scientific names of animals change, and the names used in this rule are to be considered synonymous with names in earlier use and with names that, at any time after publication of this rule, may supersede those used herein.

**R657-3-24. Classification and Specific Rules for Mammals.**

(1) Mammals are classified as follows:

(a) Monotremes (platypus and spiny anteaters), (All species) families Ornithorhynchidae and Tachyglossidae are prohibited for collection, and controlled for importation and possession;

(b) Marsupials are classified as follows:

(i) Virginia opossum, (*Didelphis virginiana*) family Didelphidae is noncontrolled for collection, prohibited for importation and controlled for possession;

(ii) Wallabies, wallaroos and kangaroos, (All species) family Macropodidae are prohibited for collection, importation and possession;

(c) Bats and flying foxes (All families, All species) (order Chiroptera), are prohibited for collection, importation and possession;

(d) Insectivores (all groups, All species) are controlled for collection, importation and possession;

(e) Hedgehogs and tenrecs, families Erinaceidae and Tenrecidae except white bellied hedgehogs are controlled for collection, importation and possession;

(f) Shrews, (*Sorex* spp. and *Notisorex* spp.) family Soricidae are controlled for collection, importation and possession;

(g) Anteaters, sloths and armadillos (All families, All species) (order Xenartha), are prohibited for collection, and controlled for importation and possession;

(h) Aardvark (*Orycteropus afer*) family Orycteropodidae is prohibited for collection, and controlled for importation and possession;

(i) Pangolins or scaly anteaters (*Manis* spp.) (order Philodota) are prohibited for collection and importation, and controlled for possession;

(j) Tree shrews (All species) family Tupalidae are prohibited for collection, and controlled for importation and possession;

(k) Lagomorphs (rabbits, hares and pikas) are classified as follows:

(i) Jackrabbits, (*Lepus* spp.) family Leporidae are noncontrolled for collection, and controlled for importation and possession;

(ii) Cottontails, (*Syvilagus* spp.) family Leporidae are prohibited for collection, and controlled for importation and possession;

(iii) Pygmy rabbit, (*Brachylagus idahoensis*) family Leporidae is prohibited for collection, and controlled for importation and possession;

(iv) Snowshoe hare, (*Lepus americanus*) family Leporidae is prohibited for collection, and controlled for importation and possession;

(v) Pika, (*Ochotona princeps*) family Ochotonidae is controlled for collection, importation and possession;

(l) Elephant shrews (All species) family Macroscelididae are prohibited for collection, and controlled for importation and possession;

(m) Rodents (order Rodentia) are classified as follows:

(i) Beaver, (*Castor canadensis*) family Castoridae is controlled for collection, importation and possession;

(ii) Muskrat, (*Ondatra zibethicus*) family Muridae are noncontrolled for collection, and controlled for importation and possession;

(iii) Deer mice and related species, (*Peromyscus* spp.) family Muridae are controlled for collection, importation and possession;

(iv) Grasshopper mice, (*Onychomys* spp.) family Muridae are controlled for collection, importation and possession;

(v) Voles (All genera and species), family Muridae, subfamily Microtinae are controlled for collection, importation and possession;

(vi) Western harvest mouse, (*Reithrodontomys megalotis*) family Muridae is controlled for collection, importation and possession;

(vii) Woodrats, (*Neotoma* spp.) family Muridae are controlled for collection, importation and possession;

(viii) Nutria or coypu, (*Myocastor coypus*) family Myocastoridae is noncontrolled for collection, prohibited for importation and controlled for possession;

(ix) Pocket gophers (All species, except the Idaho pocket gopher (*Thomomys idahoensis*)) family Geomyidae are noncontrolled for collection, and controlled for importation and possession;

(x) Pocket mice, (*Perognathus* spp. and *Chaetodipus intermedius*) family Heteromyidae are controlled for collection, importation and possession;

(xi) Dark kangaroo mouse, (*Microdipodops pallidus*) family Heteromyidae is controlled for collection, importation and possession;

(xii) Kangaroo rats, (*Dipodomys* spp.) family Heteromyidae are controlled for collection, importation and possession;

(xiii) Abert's squirrel, (*Sciurus aberti*) family Sciuridae is prohibited for collection, importation and possession;

(xiv) Black-tailed prairie dog, (*Cynomys ludovicianus*) family Sciuridae is controlled for collection, and prohibited for importation and possession;

(xv) Gunnison's prairie dog, (*Cynomys gunnisoni*) family Sciuridae is controlled for collection, importation and possession;

(xvi) Utah prairie dog, (*Cynomys parvidens*) family Sciuridae is controlled for lethal take, and prohibited for live collection, importation and possession;

(xvii) White-tailed prairie dog, (*Cynomys leucurus*) family Sciuridae is controlled for collection, importation and possession;

(xviii) Chipmunks, All species except yellow-pine chipmunk (*Neotamias amoenus*) family Sciuridae are noncontrolled for collection, and controlled for importation and possession;

(xix) Yellow-pine chipmunk, (*neotamias amoenus*) family Sciuridae is controlled for collection, importation and possession;

(xx) Northern flying squirrel, (*Glaucomys sabrinus*) family Sciuridae is controlled for collection, importation and possession;

(xxi) Southern flying squirrel, (*Glaucomys volans*) family Sciuridae is prohibited for collection, importation and possession;

(xxii) Fox squirrel or eastern fox squirrel (*Sciurus niger*) family Sciuridae is prohibited for collection, importation, and possession;

(xxiii) Ground squirrel and rock squirrel, and antelope squirrels (All species, All genera), family Sciuridae are controlled for collection, importation and possession, except nuisance squirrels which are noncontrolled for collection;

(xxiv) Red squirrel, (*Tamiasciurus hudsonicus*) family Sciuridae are controlled for collection, importation and possession, except for nuisance animals, which are noncontrolled for collection;

(xxv) Yellow-bellied marmot, (*Marmota flaviventris*) family Sciuridae is controlled for collection, importation and possession;

(xxvi) Western jumping mouse, (*Zapus princeps*) family Zapodidae is controlled for collection, importation and possession;

(xxvii) Porcupine, (*Erethizon dorsatum*) family Erethizontidae is controlled for collection, importation and possession;

(xxviii) Degus and other South American rodents, family Octodontidae (All species) are prohibited for collection, importation and possession;

(xxvix) Dormice, families Gliridae and Selevinidae (All species) are prohibited for collection, importation and possession;

(xxx) African pouched rats, family Muridae (All species) are prohibited for collection, importation and possession;

(xxxi) Jirds, (*Meriones* spp.) family Muridae are prohibited for collection, importation and possession;

(xxxii) Mice, (All species of *Mus*) family Muridae, except *Mus musculus* are prohibited for collection, importation and possession;

(xxxiii) Spiny mice, (*Acomys* spp.) family Muridae are prohibited for collection, importation and possession;

(xxxiv) Hyraxes (All species) family Procaviidae are prohibited for collection, and controlled for importation and possession;

(xxxv) Idaho pocket gopher, (*Thomomys idahoensis*) family Geomyidae is controlled for collection, importation and possession.

(n) Hoofed mammals (*Artiodactyla* and *Perissodactyla*) are classified as follows:

(i) American bison or "buffalo" wild and free ranging, (*Bos bison*) family Bovidae is prohibited for collection, importation and possession;

(ii) Collared peccary or javelina, (*Tayassu tajacu*) family Tayassuidae is prohibited for collection, importation and possession;

(iii) Axis deer, (*Cervus axis*) family Cervidae is prohibited for collection, importation and possession;

(iv) Caribou, wild and free ranging, (*Rangifer tarandus*) family Cervidae is prohibited for collection, importation and possession;

(v) Caribou, captive-bred, (*Rangifer tarandus*) family Cervidae is prohibited for collection, and controlled for importation and possession;

(vi) Elk or red deer (*Cervus elaphus*), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;

(vii) Fallow deer, (*Cervus dama*), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;

(viii) Fallow deer, (*Cervus dama*) captive-bred, family Cervidae is prohibited for collection, and controlled for importation and possession;

(ix) Moose, (*Alces alces*) family Cervidae is prohibited for collection, importation and possession;

(x) Mule deer, (*Odocoileus hemionus*) family Cervidae is prohibited for collection, importation and possession;

(xi) White-tailed deer (*Odocoileus virginianus*), family Cervidae is prohibited for collection, importation and possession;

(xii) Rusa deer, (*Cervus timorensis*) family Cervidae is prohibited for collection, importation and possession;

(xiii) Sambar deer, (*Cervus unicolor*) family Cervidae is prohibited for collection, importation and possession;

(xiv) Sika deer, (*Cervus nippon*) family Cervidae is prohibited for collection, importation and possession;

(xv) Muskox, (*Ovibos moschatus*), wild and free ranging, family Bovidae is prohibited for collection, importation and possession;

(xvi) Muskox, (*Ovibos moschatus*), captive-bred, family Bovidae is prohibited for collection, and controlled for importation and possession;

(xvii) Pronghorn, (*Antilocapra americana*) family Antilocapridae is prohibited for collection, importation and possession;

(xviii) Barbary sheep or aoudad, (*Ammotragus lervia*) family Bovidae is prohibited for collection, importation and possession;

(xix) Bighorn sheep (*Ovis canadensis*) (including hybrids) family Bovidae are prohibited for collection, importation and possession;

(xx) Dall's and Stone's sheep (*Ovis dalli*) (including hybrids) family Bovidae are prohibited for collection, importation and possession;

(xxi) Exotic wild sheep (including mouflon, *Ovis musimon*; Asiatic or red sheep, *Ovis orientalis*; urial, *Ovis vignei*; argali, *Ovis ammon*; and snow sheep, *Ovis nivicola*), including hybrids, family Bovidae are prohibited for collection, importation and possession;

(xxii) Rocky Mountain goat, (*Oreamnos americanus*) family Bovidae is prohibited for collection, importation and possession;

(xxiii) Ibex, (*Capra ibex*) family Bovidae is prohibited for collection, importation and possession;

(xxiv) Wild boar or pig (*Sus scrofa*), including hybrids, are prohibited for collection, importation and possession;

(o) Carnivores (*Carnivora*) are classified as follows:

(i) Bears, (All species) family Ursidae are prohibited for collection, importation and possession;

(ii) Coyote, (*Canis latrans*) family Canidae is prohibited for importation, and is controlled by the Utah Department of Agriculture for collection and possession;

(iii) Fennec, (*Vulpes zerda*) family Canidae is prohibited for collection, importation and possession;

(iv) Gray fox, (*Urocyon cinereoargenteus*) family Canidae is prohibited for collection, importation and possession;

(v) Kit fox, (*Vulpes macrotis*) family Canidae is prohibited for collection, importation and possession;

(vi) Red fox, (*Vulpes vulpes*) family Canidae, as applied to animals in the wild or taken from the wild, is noncontrolled for lethal take and prohibited for live collection, possession, or importation;

(vii) Gray wolf, (*Canis lupus*) except hybrids with domestic dogs, family Canidae is prohibited for collection, importation and possession;

(viii) Wild Cats (All species, including hybrids) family Felidae are prohibited for collection, importation, and possession;

(ix) Bobcat, (*Lynx rufus*) wild and free ranging, family Felidae is prohibited for collection, importation and possession;

(x) Bobcat, (*Lynx rufus*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;

(xi) Cougar, puma or mountain lion, (*Puma concolor*) family Felidae is prohibited for collection, importation and possession;

(xii) Canada lynx, (*Lynx lynx*) wild and free ranging, family Felidae is prohibited for collection, importation and possession;

(xiii) Eurasian lynx, (*Lynx lynx*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;

(xiv) American badger, (*Taxidea taxus*) family Mustelidae is prohibited for collection, importation and possession;

(xv) Black-footed ferret, (*Mustela nigripes*) family Mustelidae is prohibited for collection, importation or possession;

(xvi) Ermine, stout, or short-tailed weasel, (*Mustela erminea*) family Mustelidae is prohibited for collection, importation and possession;

(xvii) Long-tailed weasel (*Mustela frenata*) family Mustelidae is prohibited for collection, importation and possession;

(xviii) American marten, (*Martes americana*) wild and free ranging, family Mustelidae is prohibited for collection, importation and possession;

(xix) American marten, (*Martes americana*) captive-bred, family Mustelidae is prohibited for collection, controlled for importation and possession;

(xx) American mink, (*Neovison vison*) except domestic forms, family Mustelidae is prohibited for collection, importation and possession;

(xxi) Northern river otter, (*Lontra canadensis*) family Mustelidae is prohibited for collection, importation and possession;

(xxii) Striped skunk, (*Mephitis mephitis*) family Mephitidae is prohibited for collection, importation, and possession, except nuisance skinks, which are noncontrolled for collection;

(xxiii) Western spotted skunk, (*Spilogale gracilis*) family Mephitidae is prohibited for collection, importation, and possession;

(xxiv) Wolverine, (*Gulo gulo*) family Mustelidae is prohibited for collection, importation and possession;

(xxv) Coatis, (*Nasua spp.* and *Nasuella spp.*) family Procyonidae are prohibited for collection, importation and possession;

(xxvi) Kinkajou, (*Potos flavus*) family Procyonidae is prohibited for collection, importation and possession;

(xxvii) Northern Raccoon, (*Procyon lotor*) family Procyonidae is prohibited for importation, and controlled by the Department of Agriculture for collection and possession;

(xxviii) Ringtail, (*Bassariscus astutus*) family Procyonidae is prohibited for collection, importation and possession;

(xxix) Civets, genets and related forms, (All species) family Viverridae are prohibited for collection, importation and possession;

(p) Primates are classified as follows:

(i) Lemurs, (All species) family Lemuridae are prohibited for collection, importation and possession;

(ii) Dwarf and mouse lemurs, (All species) family Cheirogaleidae are prohibited for collection, importation and possession;

(iii) Indri and sifakas, (All species) family Indriidae are prohibited for collection, importation and possession;

(iv) Aye aye, (*Daubentonia madagascensis*) family Daubentonidae is prohibited for collection, importation and possession;

(v) Bush babies, pottos and lorises, (All species) family Lorisidae are prohibited for collection, importation and possession;

(vi) Tarsiers, (All species) family Tarsiidae are prohibited for collection, importation and possession;

(vii) New World monkeys, (All species) family Cebidae are prohibited for collection, importation and possession;

(viii) Marmosets and tamarins, (All species) family Callitrichidae are prohibited for collection, importation and possession;

(ix) Old-world monkeys, (All species) which includes baboons and macaques, family Cercopithecidae are prohibited for collection, importation and possession;

(x) Great apes (All species), which include gorillas, chimpanzees and orangutans, family Hominidae are prohibited for collection, importation and possession;

(xi) Lesser apes (Siamang and gibbons, All species), family Hylobatidae are prohibited for collection, importation and possession;

(2) All species and subspecies of mammals and their parts, not listed in Subsection (1):

(a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;

(b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;

(c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.

**KEY: wildlife, animal protection, import restrictions, zoological animals**

**Date of Enactment or Last Substantive Amendment: [~~August 11, 2014~~2015]**

**Notice of Continuation: March 5, 2013**

**Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14; 63G-7-101 et seq.**

## Natural Resources, Wildlife Resources R657-19 Taking Nongame Mammals

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39215

FILED: 03/16/2015

### 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 for taking public input and reviewing the Division of Wildlife Resources' (DWR) animal program.

**SUMMARY OF THE RULE OR CHANGE:** The amendment to this rule removes the Utah prairie dog and all sections relevant to them from the rule. The Utah prairie dog regulations can be found in Rule R657-70, Taking Utah

Prairie Dog. (DAR NOTE: The proposed new Rule R657-70 is under DAR No. 39216 in this issue, April 1, 2015, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 23-13-3 and Section 23-14-18 and Section 23-14-19

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** The amendment makes necessary classification changes to allow for the controlled take of prairie dogs under a new rule. DWR determines that these amendments will not create any 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:** None--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:** These amendments make the necessary classification changes to allow for the controlled take of prairie dogs under a separate rule. Therefore, this rule does not impose any additional financial requirements on small businesses, nor generate a cost or saving impact to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments make the necessary classification changes to allow for the controlled take of prairie dogs under a separate rule. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The amendments are for clarification and to establish a separate rule for the criteria for the controlled take of prairie dogs. DWR determines that there are no additional compliance costs associated with this amendment.

**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 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Gregory Sheehan, Director

**R657. Natural Resources, Wildlife Resources.**

**R657-19. Taking Nongame Mammals.**

**R657-19-1. Purpose and Authority.**

(1) Under authority of Sections 23-13-3, 23-14-18 and 23-14-19, this rule provides the standards and requirements for taking and possessing nongame mammals.

(2) A person capturing any live nongame mammal for a personal, scientific, educational, or commercial use must comply with R657-3 Collection, Importation, Transportation and Subsequent Possession of Zoological Animals.

**R657-19-2. Definitions.**

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

(2) In addition:

(a) "Immediate family" means the landowner's or lessee's spouse, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchildren, and grandchildren.

(b) "Nongame mammal" means:

(i) any species of bats;

(ii) any species of mice, rats, or voles of the families Heteromyidae, Cricetidae, or Zapodidae;

(iii) opossum of the family Didelphidae;

(iv) pikas of the family Ochotonidae;

(v) porcupine of the family Erethizontidae;

(vi) shrews of the family Soricidae; and

(vii) squirrels, prairie dogs, and marmots of the family Sciuridae, excluding Utah prairie dogs, *Cynomys parvidens*.

**R657-19-4. Nongame Mammal Species - Certificate of Registration Required.**

(1) A certificate of registration is required to take any of the following species of nongame mammals:

(a) bats of any species; and

(b) pika - *Ochotona princeps*.

(2) A certificate of registration is required to take any shrew - Soricidae, all species.

(3) A certificate of registration is required to take a Utah prairie dog, *Cynomys parvidens*, as provided in Sections R657-[19-6, R657-19-7, R657-19-8 and R657-19-9.]70.

(4) A certificate of registration is required to take any of the following species of nongame mammals in Washington County:

(a) cactus mouse - *Peromyscus eremicus*;

(b) kangaroo rats - *Dipodomys*, all species;

(c) Southern grasshopper mouse - *Onychomys torridus*;

and

(d) Virgin River montane vole - *Microtus montanus rivularis*, which occurs along stream-side riparian corridors of the Virgin River.

(5) A certificate of registration is required to take any of the following species of nongame mammals in San Juan and Grand counties:

(a) Abert squirrel - *Sciurus aberti*;

(b) Northern rock mouse - *Peromyscus nasutus*; and

(c) spotted ground squirrel - *Spermophilus spilosoma*.

(6) The division may deny a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of:

(i) Title 23 of the Utah Code;

(ii) Title R657 of the Utah Administrative Code;

(iii) a certificate of registration;

(iv) an order of the Wildlife Board; or

(v) any other law that bears a reasonable relationship to the applicant's ability to safely and responsibly perform the activities that would be authorized by the certificate of registration;

(b) the applicant misrepresents or fails to disclose material information required in connection with the application;

(c) taking the nongame mammal as proposed in the application violates any federal, state or local law;

(d) the application is incomplete or fails to meet the issuance criteria set forth in this rule; or

(e) the division determines the activities sought in the application may significantly damage or are not in the interest of wildlife, wildlife habitat, serving the public, or public safety.

**R657-19-6. [Utah Prairie Dog Provisions.]**

~~(1)(a) A person may not take a Utah prairie dog, *Cynomys parvidens*, without first obtaining a certificate of registration from the division.~~

~~(b) A certificate of registration for taking Utah prairie dogs may be issued as provided in Subsection (i) or Subsection (ii), or Subsection (iii), if the taking will not further endanger the existence of the species:~~

~~(i) in cases where Utah prairie dogs are causing damage to agricultural lands as provided in the rules of the U.S. Fish and Wildlife Service; or~~

~~(ii) as provided in a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service under an approved Habitat Conservation Plan; or~~

~~(iii) as provided under a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service allowing take of Utah prairie dogs on specified private lands as part of an approved conservation agreement enacted between the U.S. Fish and Wildlife Service and the owner of those private lands.~~

~~(c) A person may apply for a certificate of registration at the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720.~~

~~(d) A landowner, lessee, or their immediate family member, or an employee on a regular payroll and not hired specifically to take Utah prairie dogs, may apply for a certificate of registration.~~

~~(e)(i) A person, other than those listed in Subsection (d), may apply for a certificate of registration to take Utah prairie dogs as a designee of the landowner or lessee provided the application includes:~~

~~(A) an explanation of the need for the certificate of registration to be issued;~~



~~(B) justification for utilization of the designee; and~~  
~~(C) the landowner or lessee's signature.~~  
~~(ii) A maximum of two designee certificates of registration may be issued per landowner or lessee.~~  
~~(iii) Each designee application shall be considered individually based upon the explanation and justification provided.~~  
~~(f) An application for a certificate of registration must include:~~  
~~(i) full name;~~  
~~(ii) complete mailing address;~~  
~~(iii) phone number;~~  
~~(iv) date of birth;~~  
~~(v) weight and height;~~  
~~(vi) gender;~~  
~~(vii) color of hair and eyes;~~  
~~(viii) social security number;~~  
~~(ix) driver's license number, if issued;~~  
~~(x) proof of hunter education certification if the applicant was born after December 31, 1965; and~~  
~~(xi) the township, range, section and 1/4 section of the agricultural lands where the prairie dogs will be taken.~~  
~~(g) An applicant must be at least 14 years of age at the time of application and must abide by the provisions for children being accompanied by adults while hunting with a weapon pursuant to Section 23-20-20.~~  
~~(h) After review of the application, a certificate of registration may be issued.~~  
~~(i) A maximum of four certificates of registration may be issued to any landowner or lessee, including those issued to the landowner or lessee's designees.~~  
~~(j) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom the certificate of registration is issued.~~  
~~(k) A certificate of registration is not transferrable and must be signed by the holder prior to use.~~  
~~(l) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.~~  
~~(2)(a) A person may take Utah prairie dogs with a firearm during daylight hours or by trapping as specified on the certificate of registration.~~  
~~(b) A person may not use any chemical toxicant to take Utah prairie dogs.~~  
~~(c) In addition to the requirements of this rule, any person taking Utah prairie dogs must comply with state laws, and local ordinances and laws.~~  
~~(d) A person at least 14 years of age and under 16 years of age who takes Utah Prairie dogs must be accompanied by an adult with a valid certificate of registration to take Utah Prairie dogs on the same property.~~

~~**R657-19-7. Areas Open to Taking Utah Prairie Dogs -- Dates Open -- Limits on Number of Utah Prairie Dogs Taken.**~~

~~(1) A person who obtains a valid certificate of registration may take Utah prairie dogs only on private lands within the following counties:~~  
~~(a) Beaver;~~  
~~(b) Garfield;~~

~~(c) Iron;~~  
~~(d) Kane;~~  
~~(e) Millard;~~  
~~(f) Piute;~~  
~~(g) Sanpete;~~  
~~(h) Sevier;~~  
~~(i) Washington; and~~  
~~(j) Wayne.~~  
~~(2) Taking of a Utah prairie dog on any land or by any method, other than as provided in the valid certificate of registration, including any public land, is a violation of state and federal law.~~  
~~(3) Any person, who is specifically named on a valid certificate of registration, may remove Utah prairie dogs, as provided in the certificate of registration.~~  
~~(4) The taking of any Utah prairie dog outside the areas provided in this section is prohibited, except by division employees while acting in the performance of their assigned duties.~~  
~~(5) The taking of Utah prairie dogs is limited to the dates designated on the certificate of registration. All dates are confined to June 1 through December 31, except as provided in Subsection R657-19-6(1)(b)(iii).~~  
~~(6)(a) A person may take only the total number of Utah prairie dogs designated in the certificate of registration, except as provided in Subsection R657-19-6(1)(b)(iii).~~  
~~(b) The total range-wide take of Utah prairie dogs causing agricultural damage is limited to no more than 6,000 Utah prairie dogs annually.~~  
~~(c) If the division determines that taking Utah prairie dogs has an adverse effect on conservation of the species, taking shall be further restricted or prohibited.~~

~~**R657-19-8. Monthly Reports of Take of Utah Prairie Dogs.**~~

~~(1) The following information must be reported to the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720, every 30 days:~~  
~~(a) the name and signature of the certificate of registration holder;~~  
~~(b) the person's certificate of registration number;~~  
~~(c) the number of Utah prairie dogs taken; and~~  
~~(d) the location, method of take, and method of disposal of each Utah prairie dog taken during the 30-day period.~~  
~~(2) Failure to report the information required in Subsection (1), within 30 days, may result in the denial of future applications for a certificate of registration to take Utah prairie dogs.~~

~~**R657-19-9. Unlawful Possession of Utah Prairie Dogs.**~~

~~A person may not possess a Utah prairie dog or its parts, without first obtaining a valid certificate of registration and a federal permit.~~

~~**R657-19-10. White-tailed and Gunnison Prairie Dogs.**~~

~~(1)(a) A license or certificate of registration is not required to take either white-tailed or Gunnison prairie dogs.~~  
~~(b) There are no bag limits for white-tailed or Gunnison prairie dogs for which there is an open season.~~

(2)(a) White-tailed prairie dogs, *Cynomys leucurus*, may be taken in the following counties from January 1 through March 31, and June 16 through December 31:

- (i) Carbon County;
- (ii) Daggett County;
- (iii) Duchesne County;
- (iv) Emery County;
- (v) Morgan;
- (vi) Rich;
- (vii) Summit County;

(viii) Uintah County, except in the closed area as provided in Subsection (2)(b)(i);

- (ix) Weber; and

(x) all areas west and north of the Colorado River in Grand and San Juan counties.

(b) White-tailed prairie dogs, *Cynomys leucurus*, may not be taken in the following closed area in order to protect the reintroduced population of black-footed ferrets, *Mustela nigripes*:

(i) Boundary begins at the Utah/Colorado state line and Uintah County Road 403, also known as Stanton Road, northeast of Bonanza; southwest along this road to SR 45 at Bonanza; north along this highway to Uintah County Road 328, also known as Old Bonanza Highway; north along this road to Raven Ridge, just south of US 40; southeast along Raven Ridge to the Utah/Colorado state line; south along this state line to point of beginning.

(3) The taking of White-tailed prairie dogs, *Cynomys leucurus*, is prohibited from April 1 through June 15, except as provided in Subsection (5).

(4)(a) The taking of Gunnison prairie dogs, *Cynomys gunnisoni*, is prohibited in all areas south and east of the Colorado River, and north of the Navajo Nation in Grand and San Juan counties from April 1 through June 15.

(b) Gunnison prairie dogs may be taken in the area provided in Subsection (4)(a) from June 16 through March 31.

(5) Gunnison prairie dogs and White-tailed prairie dogs causing agricultural damage or creating a nuisance on private land may be taken at any time, including during the closed season from April 1 through June 15.

#### **R657-19-[14]-7. Violation.**

(1) Any violation of this rule is a Class C misdemeanor as provided in Section 23-13-11(2).

(2) In addition to this rule any animal designated as a threatened or endangered species is governed by the Endangered Species Act and the unlawful taking of these species may also be a violation of federal law and rules promulgated thereunder.

(3) Pursuant to Section 23-19-9, the division may suspend a certificate of registration issued under this rule.

#### **KEY: wildlife, game laws**

**Date of Enactment or Last Substantive Amendment:** ~~March 6, 2006~~2015

**Notice of Continuation:** August 5, 2013

**Authorizing, and Implemented or Interpreted Law:** 23-13-3; 23-14-18; 23-14-19

## Natural Resources, Wildlife Resources **R657-70** Taking Utah Prairie Dogs

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39216

FILED: 03/16/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Under authority of Sections 23-14-1, 23-14-3, 23-14-18, and 23-14-19, this rule provides the standards and requirements for taking Utah prairie dogs. A person capturing any live Utah prairie dog for a personal, scientific, educational, or commercial use must comply with Rule R657-3, Collection, Importation, Transportation and Possession of Animals. (DAR NOTE: The proposed change to Rule R657-3 is under DAR No. 39217 in this issue, April 1, 2015, of the Bulletin.)

**SUMMARY OF THE RULE OR CHANGE:** This rule sets the criteria for which the controlled taking of prairie dogs will be established and operated.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 23-14-1 and Section 23-14-18 and Section 23-14-19 and Section 23-14-3

#### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This new rule outlines the criteria for the prairie dog program and establishes the criteria by which it will be administered. The Division of Wildlife Resources (DWR) determines that these amendments will not create any 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:** This new rule outlines the criteria for the prairie dog program and establishes the criteria by which it will be administered. Local governments will not be directly or indirectly impacted because the rule does not create a situation requiring services from local governments.

♦ **SMALL BUSINESSES:** Since this new rule outlines the criteria for the prairie dog program and established the criteria by which it will be administered and does not incur an additional cost to participate, this filing does not have the potential to create a direct cost or savings impact to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Since this new rule outlines the criteria for the prairie dog program and established the criteria by which it will be administered and does not incur an additional cost to participate, this filing does not have the potential to create a direct cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this new rule will not create a cost or savings impact to individuals in Utah participating in the prairie dog program.

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 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Gregory Sheehan, Director

**R657. Natural Resources, Wildlife Resources.**

**R657-70. Taking Utah Prairie Dogs.**

**R657-70-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-1, 23-14-3, 23-14-18 and 23-14-19, this rule provides the standards and requirements for taking Utah prairie dogs.

(2) A person capturing any live Utah prairie dog for a personal, scientific, educational, or commercial use must comply with rule R657-3, Collection, Importation, Transportation and Possession of Animals.

**R657-70-2. Definitions.**

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

(2) Additional terms used in this rule are defined as follows:

(a) "Agriculture land" means any mapped, non-federal property zoned by local authority for agricultural use that is used or has been used in the previous five (5) years for production of a cultivated crop or irrigated pasture that is harvested or grazed.

(b) "Certificate of registration" means a document issued by the division authorizing a person or entity to take a Utah prairie dog.

(c) "Developed land" means any mapped, non-federal property that is:

(i) developed or improved for public use and where Utah prairie dogs threaten human health, safety or welfare, including parks, playgrounds, public facilities, sports fields, golf courses,

school yards, churches, areas of cultural or religious significance, improved roads, transportation systems, etc.; or

(ii) within 50 feet of an occupied, residential or commercial structure, or greater distance where prairie dogs threaten human health, safety or welfare on developed curtilage, including lawns, landscaping, gardens, driveways, etc.

(d) "Developable land" means any mapped, non-federal property zoned by local authority as commercial, industrial, or residential that does not have structures or improvements on the surface of the property, excluding utilities.

(e) "Division" means the Utah Division of Wildlife Resources.

(f) "Federal land" means all lands in the State of Utah owned by the United States government, including Forest Service, Bureau of Land Management, Bureau of Reclamation, Department of Defense, National Park Service, Bureau of Indian Affairs, National Monument, and National Recreation Area lands.

(g) "Immediate family" means a landowner's or lessee's spouse, child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchild, and grandchild.

(h) "Landowner" means the person(s) or entity holding fee title to real property impacted by Utah prairie dogs.

(i) "Lessee" means the person(s) or entity leasing or renting under written contract real property impacted by Utah prairie dogs.

(j) "Mapped" means areas within the state identified and documented since 1972 by the division as currently or historically occupied by Utah prairie dogs, excluding mapped areas with a spring count of zero (0) animals in the current year and the preceding four (4) years.

(k) "Non-federal lands" means all lands in the State of Utah that are not owned by the United States government.

(l) "Productivity" means the segment of a population represented by young of the year; and is calculated by multiplying the spring count (animals observed) by 2 (animals underground), and multiplying that figure by 67% (percent females in the population), and multiplying that figure by 97% (percent females that breed), and multiplying that figure by 4 (average litter size).

(m) "Protected land" means federal and non-federal property that is set aside for the preservation of Utah prairie dogs, and protected specifically or primarily for that purpose. Protective mechanisms can include conservation easements, fee title purchases, regulatory designations, etc.

(n) "Rangeland" means any mapped, non-federal property zoned by local authority for agricultural use that is used for grazing livestock, and is neither cultivated nor irrigated.

(o) "Recovery unit" means one of the three geographic areas established by the Utah Prairie Dog Recovery Team for the protection and management of Utah prairie dogs - West Desert Recovery Unit, Paunsaugunt Recovery Unit, and Awapa Plateau Recovery Unit. Maps and boundaries of these units may be obtained from the division.

(p) "Unmapped" means any area of the state on non-federal land that is not classified as mapped by the division.

(q) "Utah prairie dog" or "prairie dog" means the genus and species *Cynomys parvidens*.

**R657-70-3. Legal Status of Utah Prairie Dog.**

(1) On federal land, the Utah prairie dog is listed as threatened under the Endangered Species Act of 1973 and subject to the federal laws, authorities and jurisdictions applicable to listed species.

(a) A person may not take a prairie dog on federal land, except as authorized by the:

(i) United States Fish and Wildlife Service and the federal regulations applicable to the species; and

(ii) division pursuant to this rule.

(2) On non-federal land, the Utah prairie dog is not subject to the Endangered Species Act of 1973 and is managed by State of Utah through the division.

(a) A person may not take a prairie dog on non-federal land, except as authorized by the Wildlife Code and this rule.

**R657-70-4. Take of Utah Prairie Dogs on Federal Land.**

(1) A person may not take a Utah prairie dog on federal land:

(a) except as authorized by the U.S. Fish and Wildlife Service and federal regulation; and

(b) without obtaining a certificate of registration from the division.

(2) A certificate of registration for taking prairie dogs on federal land may be issued under the following circumstances, if the taking will not jeopardize the existence of the species:

(a) as provided in the rules of the U.S. Fish and Wildlife Service, 50 C.F.R. 17.40(g);

(b) as provided in a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service under an approved Habitat Conservation Plan; or

(c) as provided under a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service allowing take of Utah prairie dogs as part of an approved conservation agreement enacted between the U.S. Fish and Wildlife Service and the owner of private lands.

(3) Notwithstanding Subsection (1)(b), a certificate of registration is not required when a person receives an incidental take permit from the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

**R657-70-5. Take of Utah Prairie Dogs in Inhabited Structures on Non-federal Land.**

(1)(a) Notwithstanding R657-70-13, any person, with the consent of the owner or lessee, may take a Utah prairie dog on non-federal land that is within the interior of a structure inhabited or occupied by people.

(b) For purposes of this section, an inhabited or occupied structure means a building where people live, work, or visit, such as a home, apartment, hotel, commercial or public office, public building, church, store, warehouse, business, work shop, restaurant, etc.

(2) A certificate of registration or prior notice to the division is not required to take a prairie dog under this section.

(3) A person that takes a prairie dog under this section is required to submit a monthly report to the division under R657-70-15.

**R657-70-6. Take of Utah Prairie Dogs on Unmapped Land.**

(1) A person may not take a Utah prairie dog on unmapped land, except as provided in this section and R657-70-8.

(2) A landowner or lessee of unmapped land may take a prairie dog on that land without a certificate of registration, provided:

(a) the division is notified prior to take and the property where take will occur is confirmed unmapped land;

(b) take is performed exclusively by the individuals and under the conditions set forth in R657-70-13;

(c) take is restricted to the unmapped land owned by the landowner, or leased by the lessee; and

(d) the methods utilized to take prairie dogs are consistent with the limitations in R657-70-14;

(3) Prairie dogs may be taken pursuant to this section year-round and without numerical limitation.

(4) A person that takes a prairie dog under this section shall submit a monthly report to the division, as provided in R657-70-15.

**R657-70-7. Take of Utah Prairie Dogs on Developed Land.**

(1) A person may not take a Utah prairie dog on developed land, excepted as provided in this section and R657-70-8.

(2) A landowner or lessee of developed land may take a prairie dog on that land without a certificate of registration, provided:

(a) The division is notified prior to take and the property where take will occur is confirmed developed land;

(b) Take is performed exclusively by the individuals and under the conditions set forth in R657-70-13;

(c) Take is restricted to the developed land owned by the landowner, or leased by the lessee; and

(d) The methods utilized to take prairie dogs are consistent with the limitations in R657-70-14;

(3) Prairie dogs may be taken pursuant to this section year around and without numerical limitation.

(4) A person that takes a prairie dog under this section shall submit a monthly report to the division, as provided in R657-70-15.

**R657-70-8. Local Law Enforcement Take of Utah Prairie Dogs on Non-federal Land.**

(1)(a) Upon request of a county, the division may issue a certificate of registration to the sheriff and deputies of that county authorizing them to take Utah prairie dogs threatening public health, safety or welfare on non-federal land within the municipal boundaries of any city or town in the county.

(b) Upon request of a city or town, the division may issue a certificate of registration to the law enforcement authority of that city or town authorizing it to take Utah prairie dogs threatening public health, safety or welfare on non-federal land within the municipal boundaries of the city or town.

(2) A certificate of registration issued to a law enforcement authority under this section may permit lethal take or live trapping and relocation to a division approved release site.

(3) A county sheriff or the municipal law enforcement authority issued a certificate of registration under this section will report annually or upon request by the division, the number of prairie dogs lethally removed and the number captured and relocated, including the release site locations.

**R657-70-9. Range-wide Take Limit for Developable Land, Agriculture Land, and Rangeland.**

(1) Except as provided in Subsection (2), no more than 6,000 Utah prairie dogs will be authorized for range-wide take annually on developable land, agriculture land, and rangeland.

(2)(a) When the range-wide spring count of adult prairie dogs on non-federal/non-protected lands exceeds 6,000 individuals, the annual 6,000 range-wide take limit will be increased by ½ the number counted in excess of 6,000.

(b) When, and as long as, the three year average spring count of adult prairie dogs on protected land in a single recovery unit reaches 2,000 individuals, all certificate of registration requirements and numerical take limitations on non-federal/non-protected land in that recovery unit will be removed.

(i) All other restrictions on prairie dog take in the recovery unit will remain in place and enforceable.

(3) Prairie dog take on unmapped land, developed land, and inhabited structures does not count against the 6,000 animal annual limit.

**R657-70-10. Take of Utah Prairie Dogs on Developable Land.**

(1) A person may not take a Utah prairie dog on developable land without first obtaining a certificate of registration from the division.

(2)(a) The project proponent or local authority must notify the division prior to the project proponent disturbing the surface of the ground or building a structure on developable land.

(b) Upon receiving notice, the division will survey the subject property for the presence of prairie dogs.

(i) If the property is not occupied by prairie dogs, the division will issue a written notification to the project proponent authorizing the project to proceed.

(ii) If prairie dogs are discovered on the property, the division will first attempt to trap and relocate the animals to the extent feasible and in coordination with the project proponent.

(A) Prairie dogs trapped and relocated from July 1 through October 1 are not counted against the range-wide prairie dog limit in R657-70-9.

(iii) If the project proponent declines to delay the project for trapping, or when trapping is determined complete, the division will issue a certificate of registration to the project proponent authorizing take of all prairie dogs on the property.

(A) Intentional and incidental lethal take are counted against the range-wide prairie dog limit in R657-70-9.

(3) Notwithstanding the limitations in R657-70-13, take may be performed by any person authorized by the project proponent.

(4) Take is allowed only on the property proposed for the project.

(5) Authorized methods of intentional take are identified in R657-70-14:

(6) Prairie dogs may be taken pursuant to this section year around.

**R657-70-11. Take of Utah Prairie Dogs on Agriculture Land.**

(1) A person may not take a Utah prairie dog on agriculture land without first obtaining a certificate of registration from the division, except as provided in R657-70-7.

(2) A landowner or lessee of agriculture land may apply to the division for a certificate of registration to take prairie dogs damaging their agriculture land.

(a) The application shall include the:

(i) applicant's full name, mailing address, and phone number;

(ii) applicant's status as an owner or lessee of the property;

(iii) landowner's signature, and consent when the applicant is a lessee;

(iv) name and identifying information for each individual designated by the applicant and eligible under R657-70-13 to take prairie dogs on the property; and

(v) township, range, section, 1/4 section, and parcel number of the agricultural land where the prairie dogs will be taken.

(b) An application for a certificate of registration must be submitted to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah 84721.

(c) Upon receipt of an application, the division will survey the property to determine the number of resident prairie dogs and the maximum number that may be taken on the property under a certificate of registration.

(i) The division will calculate the yearly maximum take using the following criteria:

(A) 50% of prairie dog productivity on the property may be authorized for take when the three year average spring count on protected land in the recovery unit is 999 or less;

(B) 100% of prairie dog productivity on the property may be authorized for take when the three year average spring count on protected land in the recovery unit is between 1,000 and 1,249;

(C) 100% of prairie dog productivity and 33% of spring count on the property may be authorized for take when three year average spring count on protected land in the recovery unit is between 1,250 and 1,499;

(D) 100% of prairie dog productivity and 66% of spring count on the property may be authorized for take when three year average spring count on protected land in the recovery unit is between 1,500 and 1,999; and

(E) Unlimited take is authorized without a certificate of registration when the three year average spring count on protected land in the recovery unit is 2,000 or greater.

(3)(a) After review of the application and determining the maximum take limit for the property, a certificate of registration may be issued.

(b) The certificate of registration will identify:

(i) the name of the property owner, lessee, or other person authorized to take prairie dogs on the property;

(ii) the maximum number of prairie dogs that may be taken on the property; and

(iii) a general description of the location and boundaries of the subject property.

(c) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom it is issued.

(d) A certificate of registration is not transferrable and must be signed by the holder prior to use.

(e) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.

(4) Prairie dogs allowed by the landowner or lessee to be trapped on the property and relocated by the division between July 1 and October 1 - before lethal take - will not count against the range-wide prairie dog limit in R657-70-9 or the property's maximum take limit identified on the certificate of registration.

(5)(a) A landowner or lessee that obtains a certificate of registration to take prairie dogs on agriculture land and thereafter agrees with the division to allow trapping and relocation efforts on the property before lethally taking prairie dogs, may receive compensation for the damage caused by prairie dogs during the trapping period.

(i) Participation in the damage compensation program is voluntary on the part of the landowner or lessee and discretionary on the part of the division.

(ii) Only properties with a spring count of 50 or more prairie dogs are eligible for participation in the program.

(iii) Compensation will be based on the number of prairie dogs on the property and the associated damage estimate between juvenile emergence and September 30.

(b)(i) A landowner or lessee must apply to participate in the damage compensation program by submitting a written application to the division that includes:

(A) the applicant's full name, mailing address; and phone number;

(B) the township, range, section, 1/4 section and parcel number of the agricultural land where the prairie dogs will be trapped;

(C) proof that the applicant is the fee title owner or lessee of the agricultural land where the prairie dogs will be trapped; and

(D) the landowner's signature, or the lessee's and landowner's signature when the applicant is the lessee.

(ii) An application to participate in the damage compensation program must be submitted:

(A) to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah 84721; and

(B) between March 1 and March 31, of the year for which compensation is requested.

(iii) Applications for damage compensation will be evaluated by the division and granted based on the:

(A) availability of compensation funding;

(B) number and density of prairie dogs that the division determines are present on the property;

(C) ease and efficiency by which prairie dogs can be trapped and relocated;

(D) availability of release sites;

(E) availability of division personnel and funding to trap and relocate; and

(F) degree of expected damage during the trapping period.

(iv) Nothing herein shall be construed as guaranteeing that an application to participate in the damage compensation program will be granted or that all persons desiring to participate in the program will have the opportunity to do so.

(c) Compensation for prairie dog damage will be based on the following criteria, regardless of the crop involved:

(i) the estimated number of prairie dogs on the property where trapping will occur;

(A) the division will estimate prairie dog numbers by counting visible prairie dogs on the property in the spring, doubling that number to account for adults below ground, and multiplying the result by 2.6 to account for juvenile production.

(ii) each adult prairie dog consuming 0.75 pounds of alfalfa a day and each juvenile 0.375 pounds a day;

(iii) adult prairie dogs causing damage five months per year and juveniles four months per year;

(iv) the market price of alfalfa at the time the contract referenced in Subsection (d) is executed; and

(v) an additional 10% for damage to farming equipment and fences.

(d) The division will enter into a written contract with successful applicants possessing eligible property and a certificate of registration to take prairie dogs on their agriculture land that:

(i) suspends lethal removal efforts by the landowner or lessee while the division attempts to trap prairie dogs on the property and relocate them; and

(ii) identifies the monetary compensation the landowner or lessee will receive from the division for prairie dog damage incurred during the period of suspension.

(e) All prairie dogs trapped and relocated under a compensation agreement will count against the range-wide prairie dog limit in R657-70-9 and the property's maximum take limit identified on the certificate of registration.

(f) Once trapping is completed, the division will deduct the number of trapped prairie dogs from the certificate of registration's original take limit and notify the landowner or lessee:

(i) of the adjusted take limit; and

(ii) that removing prairie dogs from the property pursuant to the terms of the adjusted certificate of registration is permitted.

(6) The division may issue a certificate of registration authorizing a landowner or lessee to take prairie dogs dispersing from the property targeted for trapping under Subsections (4) or (5) to other areas of the property or adjacent properties that do not have a preexisting colony.

(7)(a) Only those people specifically identified in R657-70-13 and on a certificate of registration to take prairie dogs on agriculture land may do so.

(b) Take is restricted to the agriculture land owned by the landowner, or leased by the lessee.

(c) Prairie dogs may be taken on agriculture land only with firearms, archery equipment, and kill traps.

(d) Prairie dogs may be taken under this section from June 1 to December 31, and in number not to exceed that identified on the certificate of registration.

(8) A person that takes a prairie dog under this section shall submit a monthly report to the division, as provided in R657-70-15.

#### **R657-70-12. Take of Utah Prairie Dogs on Rangeland.**

(1) A person may not take a Utah prairie dog on rangeland without first obtaining a certificate of registration from the division.

(2) A landowner or lessee of rangeland may apply for and obtain a certificate of registration from the division to take prairie dogs damaging rangeland under the same procedures and conditions provided in R657-70-11 for taking prairie dogs on agriculture land, except monetary compensation is not available for rangeland damage.

**R657-70-13. Individuals Authorized to Take Utah Prairie Dogs on Federal and Non-federal Lands.**

(1) Except as provided in R657-70-8 and R657-70-10(3), only the following individuals may take a Utah prairie dog when take is authorized under the provisions of this chapter:

- (a) landowner;
- (b) lessee, when authorized by the landowner to take prairie dogs on the property;
- (c) immediate family member of the landowner or lessee, when authorized by the landowner to take prairie dogs on the property;
- (d) employee of the landowner or lessee that is on a regular payroll and not hired specifically to take prairie dogs, when authorized by the landowner to take prairie dogs on the property; and
- (e) designee of the landowner or lessee that possesses a certificate of registration from the division, as provided in Subsection (2).

(2)(a) A person other than a landowner, lessee, or their immediate family member, or an employee on a regular payroll not hired specifically to take prairie dogs, may apply for a certificate of registration to take prairie dogs as a designee of the landowner or lessee, provided the application includes:

- (i) the applicant's:
    - (A) full name;
    - (B) complete mailing address;
    - (C) phone number;
    - (D) date of birth;
    - (E) weight and height;
    - (F) gender; and
    - (G) color of hair and eyes;
  - (ii) the township, range, section, 1/4 section and parcel number of the agricultural lands where the prairie dogs will be taken;
  - (iii) justification for utilization of the designee;
  - (iv) the landowner's signature or the lessee's and landowner's signature when the applicant is the lessee's designee; and
  - (v) verification that the designee will not pay or receive any form of compensation for taking prairie dogs on the landowner's or lessee's property.
- (b) An application for a certificate of registration must be submitted to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah 84721.
- (c) A maximum of two designee certificates of registration may be issued per landowner and lessee each year.
- (d) Each designee application shall be considered individually based upon the information, explanation and justification provided.

(e) An applicant must be at least 14 years of age at the time of application and must abide by the provisions for children being accompanied by adults while hunting with a weapon pursuant to Section 23-20-20.

(f)(i) After review of the application, a certificate of registration may be issued.

(ii) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom it is issued.

(iii) A certificate of registration is not transferrable and must be signed by the holder prior to use.

(g) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.

**R657-70-14. Methods of Take.**

(1)(a) A person authorized to take a Utah prairie dog under this chapter may lethally remove the animal using any means permitted by state, local, and federal law.

(b) Environmental Protection Agency regulations currently prohibit the use of toxicants and fumigants on Utah prairie dogs.

(2) Except as provided in R657-70-8 or as authorized by the division in a certificate of registration, a person may not:

- (a) capture or attempt to capture a prairie dog alive;
- (b) possess a live prairie dog; or
- (c) release a prairie dog to the wild.

**R657-70-15. Monthly Reports on Take of Utah Prairie Dogs.**

(1) The following information must be reported to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah 84720, every 30 days:

- (a) the name and signature of the landowner, lessee, or certificate of registration holder;
- (b) the person's certificate of registration number (where applicable);
- (c) the number of prairie dogs taken; and
- (d) the location and method of disposal of each prairie dog taken during the 30-day period.

(2) Failure to report the information required in Subsection (1), within 30 days, may result in the denial of future opportunity to take prairie dogs.

**R657-70-16. Take on Protected Land.**

(1) Notwithstanding any other provision in this chapter authorizing take of prairie dogs, a person may not take a Utah prairie dog on protected land set aside by contractual agreement or law for the protection and conservation of Utah prairie dogs.

**KEY: wildlife, game laws**

**Date of Enactment or Last Substantive Amendment: 2015**

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

**Professional Practices Advisory  
Commission, Administration  
R686-100-7  
Default Procedures**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39221

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section R686-100-7 is amended to provide changes to procedures in the event of a default judgment resulting from a respondent's failure to respond to a complaint or stipulated agreement.

**SUMMARY OF THE RULE OR CHANGE:** The amendments to Subsection R686-100-7(C) change the language from "shall" to "may" and include the word "revocation" in possible UPPAC recommendations to the Board for a default judgment.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53A-6-306(1)(e)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The amendments to Section R686-100-7 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to respond to a complaint or stipulated agreement. The procedural changes will likely not result in a cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The amendments to Section R686-100-7 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to respond to a complaint or stipulated agreement. The procedural changes will likely not result in a cost or savings to local government.

◆ **SMALL BUSINESSES:** The amendments to Section R686-100-7 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to respond to a complaint or stipulated agreement. The procedural changes will likely not result in a cost or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Procedures are changed in Section R686-100-7 that pertain to UPPAC's recommendation to the Board in the event of a default judgment if a respondent fails to respond to a complaint or stipulated agreement. The procedural changes will likely not result in any compliance costs for affected persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The amendments to Section R686-100-7 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to respond to a complaint or stipulated agreement. The procedural changes have no compliance costs.

**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:**

PROFESSIONAL PRACTICES ADVISORY  
COMMISSION  
ADMINISTRATION  
250 E 500 S  
SALT LAKE CITY, UT 84111  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Brad Smith by phone at 801-538-7510, by FAX at 801-538-7768, or by Internet E-mail at brad.smith@schools.utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015**

**AUTHORIZED BY:** Brad Smith, State Superintendent of Public Instruction

**R686. Professional Practices Advisory Commission, Administration.**

**R686-100. Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions.**

**R686-100-7. Default Procedures.**

A. If a respondent does not respond to a complaint or a stipulated agreement within 30 days from the date the complaint or stipulated agreement was served, the Executive Secretary may issue an order of default against respondent consistent with the following:

(1) The prosecutor shall prepare and serve on respondent an order of default including a statement of the grounds for default, and a recommended disposition if respondent fails to file a response to a complaint or respond to a proffered stipulated agreement.

(2) Ten (10) days following service of the order of default, the prosecutor shall attempt to contact respondent by telephone or electronically. UPPAC shall maintain documentation of attempts toward written, telephonic or electronic contact.

([2]3) Respondent has 20 days following service of the order of default to respond to UPPAC. If UPPAC receives a



response from respondent to a default order before the end of the 20 day default period, UPPAC shall allow respondent a final 10 day period to respond to a complaint or stipulated agreement.

C. Except as provided in R686-100-7D, a default judgment ~~shall~~ may result in a recommendation to the Board for revocation or for a suspension of no less than five years.

D. A default judgment shall result in a recommendation to the Board for a revocation if the alleged misconduct is conduct identified in 53A-6-501(2).

**KEY: teacher licensing, conduct, hearings**

**Date of Enactment or Last Substantive Amendment:**  
~~[November 7, 2013]~~ **2015**

**Notice of Continuation: February 1, 2013**

**Authorizing, and Implemented or Interpreted Law: 53A-6-306(1)(a)**

**Professional Practices Advisory  
 Commission, Administration  
 R686-101-14  
 Default**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39222

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section R686-101-14 is amended to provide changes to procedures in the event of a default judgment resulting from a respondent's failure to attend or participate in a properly scheduled hearing after receiving proper notice.

**SUMMARY OF THE RULE OR CHANGE:** The amendments to Subsection R686-101-14(C) change the language from "shall" to "may" and include the word "revocation" in possible UPPAC recommendations to the Board in the event of a default judgment.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53A-6-306(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The amendments to Section R686-101-14 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to attend or participate in a UPPAC hearing. The procedural changes will likely not result in a cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The amendments to Section R686-101-14 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to attend or participate in a UPPAC hearing. The procedural changes will likely not result in a cost or savings to local government.

◆ **SMALL BUSINESSES:** The amendments to Section R686-101-14 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to attend or participate in a UPPAC hearing. The procedural changes will likely not result in a cost or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to Section R686-101-14 provide procedural changes that pertain to UPPAC's recommendation to the Board in the event of a default judgment for a respondent's failure to attend or participate in a UPPAC hearing. The procedural changes will likely not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Procedures are changed in Section R686-101-14 that pertain to UPPAC's recommendation to the Board in the event of a default judgment if a respondent fails to attend or participate in a UPPAC hearing. The procedural changes will likely not result in any compliance costs for affected persons.

**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:**

PROFESSIONAL PRACTICES ADVISORY  
 COMMISSION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111

or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Brad Smith by phone at 801-538-7510, by FAX at 801-538-7768, or by Internet E-mail at [brad.smith@schools.utah.gov](mailto:brad.smith@schools.utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015**

**AUTHORIZED BY:** Brad Smith, State Superintendent of Public Instruction

**R686. Professional Practices Advisory Commission, Administration.****R686-101. UPPAC Hearing Procedures and Reports.****R686-101-14. Default.**

A. The hearing officer may prepare an order of default in a hearing report including a statement of the grounds for default and the recommended disposition if:

(1) the respondent fails to attend or participate in a properly scheduled hearing after receiving proper notice. The hearing officer may determine that the respondent has failed to attend a properly scheduled hearing if the respondent has not appeared within 30 minutes of the appointed time for the hearing to begin, unless the respondent shows good cause for failing to appear in a timely manner;

(2) the respondent or the respondent's representative commits misconduct during the course of the hearing process.

B. The recommendation of default may be executed by the Executive Secretary following all applicable time periods, without further action by UPPAC.

C. Except as provided in R686-101, a default judgment ~~shall~~ may result in a recommendation to the Board for revocation or for a suspension of no less than five years.

D. A default judgment shall result in a recommendation to the Board for a revocation if the alleged misconduct is conduct identified in 53A-6-501(2).

**KEY: hearings, reports**

**Date of Enactment or Last Substantive Amendment:**

~~[November 7, 2013]~~ **2015**

**Authorizing, and Implemented or Interpreted Law:** 53A-6-306(1)(a)

Regents (Board of), University of Utah,  
Commuter Services

**R810-1**

University of Utah Parking Regulations

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39224

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Implemented a brand new departmental software system and patrol system using only license plate recognition.

**SUMMARY OF THE RULE OR CHANGE:** Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53B-3-103 and Section 53B-3-107

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There is no fiscal impact as the rule updates are for clarification purposes only.

♦ **LOCAL GOVERNMENTS:** There is no fiscal impact as the rule updates are for clarification purposes only.

♦ **SMALL BUSINESSES:** There is no fiscal impact as the rule updates are for clarification purposes only.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no fiscal impact as the rule updates are for clarification purposes only.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no fiscal impact as the rule updates are for clarification purposes only.

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

There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
COMMUTER SERVICES  
ROOM 101  
1910 E SOUTH CAMPUS DR  
SALT LAKE CITY, UT 84112-9350  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Patti Trulli Ibholtm by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015**

**AUTHORIZED BY:** Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.****R810-1. University of Utah Parking Regulations.****R810-1-1. Authority.**

The University's parking system is authorized by Utah Code, Title 53B, Chapter 3, Sections 103 and 107.

**R810-1-2. Motor Vehicle Parking On Campus.**

A motor vehicle is defined under Utah State Code, Unannotated 41-1a-102(66).

A vehicle is defined under Utah State Code, Unannotated 41-1a-102(65).

Anyone parking a vehicle on campus must purchase ~~and display~~ a parking permit from Commuter Services and register the vehicle(s) license plate(s) to the permit purchased, or park the vehicle in a metered ~~area~~ or pay ~~for~~ ~~area~~ and pay the appropriate fee. Payment for the use of campus meters or pay ~~for~~ ~~areas~~ is required whether or not the vehicle ~~displays~~ is associated to a [current] valid University of Utah parking permit. If a physical permit is distributed, it must be displayed and clearly visible from the front windshield.

#### **R810-1-3. Parking Areas.**

Parking is permitted only in designated areas and only in accordance with all posted signs. Vehicles must be parked properly within marked stalls. Tickets are issued to vehicles parked contrary to posted signs.

#### **R810-1-4. Restrictions.**

Parking is prohibited 24 hours daily at red curbs, ~~[ ]~~ no parking ~~[ ]~~ areas, bus zones, crosswalks, driveways, ~~[sidewalks, on the wrong side of the street,] and in front of fire hydrants and dumpsters, [ and designated areas such as disabled and reserved areas. Parking is also prohibited in and on unmarked roadways and other unmarked areas.]~~

#### **R810-1-5. Vehicle Operator Responsibilities.**

Parking area designations are subject to change, and it is the motorist's responsibility to be cognizant of such changes. The responsibility for finding an authorized parking space rests with the motor vehicle operator.

A vehicle must be parked in a valid parking stall so that the vehicle's license plate is clearly visible from the roadway from which the vehicle pulled into the stall. It is the motorist's responsibility to assure that the vehicle's license plate is visible and clear of debris.

#### **R810-1-8. University Vehicle Parking.**

University owned vans, trucks, and SUV's involved in maintenance must [are to be] park[ed] in maintenance stalls when available. University owned sedans may not park in maintenance stalls, [ or other non-metered stalls when necessary and shall not violate "No Parking," "Tow Away," or "Disabled" zones.] All University owned vehicles may park in U or E permitted stalls but are prohibited from parking in No Parking, Tow Away, Disabled or Reserved areas, or metered loading zones. University owned vehicles parking at non-loading zone meters are limited to the maximum time listed on the meter. Pay by phone limitation is two hours; visitor pay lot limitation is one hour and "A" permit stall limitation is for loading and unloading only. Drivers of improperly parked University vehicles will be responsible for tickets received. [Any other university vehicle not defined as a van, truck, or SUV may not park in maintenance stalls. Parking meters and designated "A" areas are allowed only if payment is made, or proper permit is displayed. No university vehicle may park in designated "Load Zone" metered stalls.]

#### **R810-1-9. Motorcycle Parking.**

Drivers of [M]motorcycles, motorbikes, scooters and mopeds must [be parked in areas designated for such vehicles and display an appropriate parking permit. Motoreyele permits must be attached near the license plate in a clearly visible manner.] purchase a parking permit from Commuter Services and register the license plate(s) number(s) to the permit purchased.

#### **R810-1-11. University Student Apartments Parking.**

University Student Apartment parking lots are restricted to apartment residents, housing employees, resident's guests, apartment applicants [for apartment assignment,] and visitors.

Parking is permitted only in designated areas ~~[and only]~~ in accordance with all posted signs.

~~[A. Vehicle Registration and Permit Issuance.] Residents and employees [are required to] must purchase a housing parking permit and register all vehicle[s] (including motorcycle, scooter, and moped) license plates to the permit. [parked in University Student Apartment parking areas and to purchase and display a permit in accordance with the schedule of approved fees through the Main Office, University Student Apartments. A current vehicle registration is required to obtain and maintain a parking permit.~~

~~— B. Additional Vehicle Registration. Parking permits for additional vehicles will be issued on a space available basis. Boats, trailers, and recreational vehicles are prohibited from parking at University Student Apartments. Motorcycles, scooters and mopeds must display the appropriate permit near the license plate and park in designated motoreyele areas.~~

~~— C. Parking for Drivers with Disabilities. Residents must display a Student Apartments Disabled parking permit or a Student Apartment permit with a state-issued disabled plate or placard or University of Utah disabled permit.~~

~~— D. Visitor Parking. Visitors must park in areas marked Visitor Parking. Temporary University Student Apartment permits may be purchased for longer term visitor parking, up to two weeks.~~

~~— E. Inoperable vehicles will be considered abandoned and will be removed for Student Apartments property at the owner's expense. Vehicles which remain in one place for a period of twenty-one (21) days may be required to be moved to another space in order to verify that it is operable.~~

~~— F. Enforcement of parking regulations is twenty-four (24) hours per day, seven (7) days per week.]~~

#### **R810-1-12. Extended Parking Privileges.**

Vehicles occupying the same lot or stall for 48 hours or longer ~~[will be ticketed and] may [also] be removed at [the expense of] the owner's expense if [their presence] the vehicle interferes with regular University functions or maintenance. Vehicles parked in the residence halls [not and displaying a valid and appropriate parking permit] are exempted from the 48 hour limitations.~~

#### **R810-1-13. Abandoned Vehicles.**

Vehicles ~~[which do not display current Utah or out-of-state vehicle registration and a valid University of Utah parking permit and] that have not been moved for a period of seven days will be considered as abandoned and may be removed from University property at the owner's expense.~~

#### **R810-1-14. Living In A Motor Vehicle On Campus.**

Campers, trailers, ~~[and] motor homes or other vehicles may [ean] not be used for sleeping or living purposes on campus unless parked in areas designated by Commuter Services as RV parking. [Campers, trailers, and motor homes without assigned permit will be ticketed.]~~

**R810-1-15. University Responsibility For Vehicle Damage.**

The University is not responsible for the care and protection of or damage to any vehicle or its contents when operated or parked on University property. [Acceptance]The purchase of a parking permit shall constitute an acknowledgement and acceptance of this condition as the privilege to use the University's parking facilities.

**R810-1-16. Special Parking.**

Commuter Services [reserves the right to]may change the designated use of lots or roadways at any time[ to provide for special parking needs]. During events, Commuter Services [reserves the right to]may charge additional fees for the use of University parking lots. [Vehicles with a current University permit will not be charged except for off-campus sponsored special events.]

**[R810-1-17. Lost or Stolen Permits.**

~~Responsibility for lost or stolen permits is the permit holder's, who must file a lost or stolen permit report with Commuter Services. Tickets received on the lost or stolen permit are the holder's responsibility if a report is not filed. Replacement permits may be obtained once a report is made and a replacement fee paid. Vehicles displaying a lost or stolen permit are subject to impoundment at the owner's expense.~~

[KEY: parking facilities

Date of Enactment or Last Substantive Amendment: [March 21, 2013]2015

Notice of Continuation: October 15, 2012

Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107

## Regents (Board of), University of Utah, Commuter Services

### R810-2 Parking Meters

#### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39225  
FILED: 03/16/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implemented a brand new departmental software system and patrol system using only license plate recognition.

SUMMARY OF THE RULE OR CHANGE: Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

## ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ LOCAL GOVERNMENTS: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ SMALL BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no fiscal impact as the rule updates are for clarification purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no fiscal impact as the rule updates are for clarification purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
COMMUTER SERVICES  
ROOM 101  
1910 E SOUTH CAMPUS DR  
SALT LAKE CITY, UT 84112-9350  
or at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Patti Trulli Ibholtm by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-2. Parking Meters and other Pay Parking Spaces.**

**R810-2-1. Parking Meters and other Pay Parking Spaces.**

Payment for the use of meters and pay parking spaces is required whether or not the vehicle [displays]is associated with a [current]valid University of Utah parking permit.

Parking at an [broken]inoperable meter is [restricted]limited to the maximum time [shown]listed on the meter. [Parking in a metered space for a continuous period longer than that designated on the meter or at an expired meter is prohibited. Enforcement hours for]Payment for [University parking-]meters and pay spaces is

~~required[are 8 a.m. to 6 p.m. Monday through Friday, or from 9:00 a.m. to 10:00 p.m. Monday through Friday where] as posted in each parking area. [University vehicles are not authorized to park at load zone meters.]Meters and pay parking spaces are not enforced during University of Utah observed holidays.~~

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment:** ~~[March 21, 2013]~~**2015**

**Notice of Continuation:** February 17, 2012

**Authorizing, and Implemented or Interpreted Law:** 53B-3-103; 53B-3-107

**Regents (Board of), University of Utah,  
Commuter Services**

**R810-5**

**Permit Types, Eligibility and Designated  
Parking Areas**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39226

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Implemented a brand new departmental software system and patrol system using only license plate recognition.

**SUMMARY OF THE RULE OR CHANGE:** Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53B-3-103 and Section 53B-3-107

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ **LOCAL GOVERNMENTS:** There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ **SMALL BUSINESSES:** There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no fiscal impact as the rule updates are for clarification purposes only.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no fiscal impact as the rule updates are for clarification purposes only.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
COMMUTER SERVICES  
ROOM 101  
1910 E SOUTH CAMPUS DR  
SALT LAKE CITY, UT 84112-9350  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Patti Trulli Ibholt by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015**

**THIS RULE MAY BECOME EFFECTIVE ON:** 05/08/2015

**AUTHORIZED BY:** Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-5. Permit Types[,] and Eligibility.[] ~~and Designated Parking Areas.]~~**

**R810-5-1. Parking Permits and ~~[Permit Parking Areas]~~ Eligibility.**

Except for pay [~~lots~~]spaces, parking meters, short term loading areas and parking reserved for clinical patients, all faculty, staff, students, visitors, contractors, and vendors must purchase ~~[and display] a~~ current University of Utah parking permit from Commuter Services and register their vehicle license plate(s).

~~[Ownership of University parking permits is non-transferable.]~~Only one vehicle per assigned permit may park on campus at a given time. If more than one vehicle registered to a single permit is found on campus, a ticket will be issued.

All permit parking areas and enforcement times are designated by ~~[signage]~~signs posted at the lot's entrance, and inside the lot as needed. ~~[Parking is subject to change without notice.]~~

**R810-5-2. Permit Classifications and Eligibility.**

~~[Eligibility and designated parking areas are as follows:~~

A. Faculty and Staff [P]permits~~[.]~~ may be purchased by any eligible faculty or staff member. Only one faculty/staff permit shall be available to each ~~[qualified]~~eligible faculty or staff member.~~[The permit holder may park in any faculty/staff or student parking area.]~~ Persons eligible are:

1. All full time salaried personnel, 75 percent full time equivalent.
2. Faculty approved by the academic vice president.
3. Other personnel as designated by the University administration.

~~[B. Health Science Center Faculty and Staff Permits. Only one permit shall be available to each qualified faculty or staff member. The permit holder may park in the designated parking garage or other surface faculty/staff or student lot. Persons eligible are the same as R810-5-2A.1,2 and 3 as listed above.]~~

~~[C. Reserved parking [P]permits may be [Issued to] purchased by eligible [full-time] faculty and staff who lease one specific space. The permit holder may also park in [any] other A, U, or E [faculty/staff or student parking] areas provided the reserved space remains unoccupied, [except the Health Science Center parking garages.] Unauthorized vehicles in reserved stalls may be impounded without notification. [A reserved stall permit holder may not park in another permitted area on campus if another vehicle occupies the reserved space.]~~

~~[D. Student [P]permits may be [Issued to] purchased by students, faculty and staff. The permit holder may park in the designated student parking lots.~~

~~[E. Disabled [P]permits may be [Issued to] purchased by qualified drivers with disabilities. Applicants must qualify under state statutes that govern parking for the disabled. [Persons bringing individuals with disabilities to campus are not entitled to disabled parking privileges.]~~

~~Other permits may be [issued] purchased from [time to time by University] Commuter Services to control parking areas.~~

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment:** ~~[March 6, 2008]~~ **2015**

**Notice of Continuation:** February 17, 2012

**Authorizing, and Implemented or Interpreted Law:** 53B-3-103; 53B-3-107

## Regents (Board of), University of Utah, Commuter Services

### R810-6

#### Permit Prices and Refunds

##### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39227

FILED: 03/16/2015

##### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implemented a brand new departmental software system and patrol system using only license plate recognition.

SUMMARY OF THE RULE OR CHANGE: Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There is no fiscal impact as the rule updates are for clarification purposes only.

◆ LOCAL GOVERNMENTS: There is no fiscal impact as the rule updates are for clarification purposes only.

◆ SMALL BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no fiscal impact as the rule updates are for clarification purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no fiscal impact as the rule updates are for clarification purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
COMMUTER SERVICES  
ROOM 101  
1910 E SOUTH CAMPUS DR  
SALT LAKE CITY, UT 84112-9350  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Patti Trulli Ibholt by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-6. Permit Prices and Refunds.**

**R810-6-1. Prices.**

Permit prices are subject to change upon approval of the University Administration and Board of Trustees.

**R810-6-2. Prorations.**

Annual permits are purchased for one academic year. The purchase price may be prorated according to the divisions of the academic year as determined by the University.

**R810-6-3. Refunds.**

A partial refund may be obtained for an unused annual permit provided ~~[it is returned]~~ a request is made to Commuter Services before it is six months old.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment:** ~~[March 6, 2008]~~ 2015

**Notice of Continuation:** February 16, 2012

**Authorizing, and Implemented or Interpreted Law:** 53B-3-103; 53B-3-107

Regents (Board of), University of Utah,  
Commuter Services  
**R810-8**  
Vendor Regulations

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39228

FILED: 03/16/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Implemented a brand new departmental software system and patrol system using only license plate recognition.

**SUMMARY OF THE RULE OR CHANGE:** Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53B-3-103 and Section 53B-3-107

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ **LOCAL GOVERNMENTS:** There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ **SMALL BUSINESSES:** There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no fiscal impact as the rule updates are for clarification purposes only.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no fiscal impact as the rule updates are for clarification purposes only.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
COMMUTER SERVICES  
ROOM 101  
1910 E SOUTH CAMPUS DR  
SALT LAKE CITY, UT 84112-9350  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Patti Trulli Ibholt by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-8. Vendor Regulations.**

**R810-8-1. Parking Options for Vendors and Sales Representatives.**

Vendors and sales representatives may:

A. ~~[Obtain]~~ Purchase a vendor permit from Commuter Services. ~~[The permit is for business use only and not for attending classes or for all-day parking.]~~

B. Purchase a day pass.

~~[ ]~~ C. ~~Park in a pay lot and pay the appropriate fee.~~

~~[ ]~~ [D]C. Park at a meter or pay area and pay the appropriate fee.

~~[ ]~~ E. ~~Park in a twenty-minute delivery and loading zone.~~

1. Vendors are required to obey University parking regulations.

2. Departments being ~~[serviced]~~ serviced by vendors ~~[do not have the authority to]~~ may not exempt vendors from parking regulations.

3. Vendor permits are limited to business use only and may not be used to attend classes or for all-day parking.

4. University of Utah employees may not use departmental vendor permits in lieu of a University of Utah parking permit. A University employee's vehicle displaying a departmental vendor permit must also have a parking permit from Commuter Services.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment:** ~~[March 6, 2008]~~ 2015

**Notice of Continuation: October 15, 2012**  
**Authorizing, and Implemented or Interpreted Law: 53B-3-103;**  
**53B-3-107**

1910 E SOUTH CAMPUS DR  
 SALT LAKE CITY, UT 84112-9350  
 or at the Division of Administrative Rules.

**Regents (Board of), University of Utah,  
 Commuter Services  
 R810-9  
 Contractors and Their Employees**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 39229  
 FILED: 03/16/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implemented a brand new departmental software system and patrol system using only license plate recognition.

SUMMARY OF THE RULE OR CHANGE: Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ LOCAL GOVERNMENTS: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ SMALL BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no fiscal impact as the rule updates are for clarification purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no fiscal impact as the rule updates are for clarification purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
 UNIVERSITY OF UTAH,  
 COMMUTER SERVICES  
 ROOM 101

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Patti Trulli Ibholt by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-9. Contractors and Their Employees.**

**R810-9-1. Contractors and Their Employees.**

Commuter Services may establish temporary parking areas for contractors and their employees during construction projects. Contractors and their employees must purchase a contractor parking permit and register their license plate(s). All other vehicles are prohibited from parking in [the] designated construction staging areas.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment: [~~March 6, 2008~~2015]**

**Notice of Continuation: February 17, 2012**

**Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107**

**Regents (Board of), University of Utah,  
 Commuter Services  
 R810-10  
 Enforcement System**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 39230  
 FILED: 03/16/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implemented a brand new departmental software system and patrol system using only license plate recognition.

SUMMARY OF THE RULE OR CHANGE: Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.



STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ LOCAL GOVERNMENTS: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ SMALL BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no fiscal impact as the rule updates are for clarification purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no fiscal impact as the rule updates are for clarification purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.

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

REGENTS (BOARD OF)  
UNIVERSITY OF UTAH,  
COMMUTER SERVICES  
ROOM 101  
1910 E SOUTH CAMPUS DR  
SALT LAKE CITY, UT 84112-9350  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Patti Trulli Ibholt by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholt@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-10. Enforcement System.**

**R810-10-1. Responsibility.**

Parking tickets are ~~issued to~~ the responsibility of the registered owner[s] of the vehicle[s] or the registered permit holder[s]. ~~[Tickets are not excused on the plea that another person was driving the vehicle.]~~  
~~[Multiple tickets may be issued to violators who remain illegally parked for three hours or more at parking meters and other timed zones.]~~

**R810-10-2. Hours Of Enforcement.**

Parking regulations are enforced as posted year-round, including periods between semesters. ~~[Permit parking is enforced from 7 a.m. to 6 p.m. Monday through Friday and until 10 p.m. where posted.]~~ Permit areas and meters are not regulated on [state]University observed holidays. ~~[Fire lanes, restricted areas, designated reserved spaces and parking spaces for the disabled are enforced 24 hours every day of the year.]~~

**R810-10-3. University ~~[Violation]~~ Fee Payments and Penalties.**

1. Fees are charged for all tickets in accordance with amounts listed on the ticket. Vehicles with ~~[three or more]~~ unpaid tickets may be impounded and towed at the owner's expense. The University may also apply other remedies including:

a. Academic holds, including transcript and registration holds for students.

b. Payroll deduction from paychecks for tickets that remain unpaid after 30 days for staff.

c. Others. Unpaid fines may be collected through the judicial process or garnishment of state income tax returns.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment: ~~[March 6, 2008]~~2015**

**Notice of Continuation: February 17, 2012**

**Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107**

## Regents (Board of), University of Utah, Commuter Services **R810-11** Appeals System

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39231

FILED: 03/16/2015

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implemented a brand new departmental software system and patrol system using only license plate recognition.

SUMMARY OF THE RULE OR CHANGE: Multiple sections changed to reflect virtual permits issued by the department and patrolled by license plate recognition systems.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-3-103 and Section 53B-3-107

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no fiscal impact as the rule updates are for clarification purposes only.

◆ LOCAL GOVERNMENTS: There is no fiscal impact as the rule updates are for clarification purposes only.  
 ◆ SMALL BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.  
 ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no fiscal impact as the rule updates are for clarification purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no fiscal impact as the rule updates are for clarification purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact as the rule updates are for clarification purposes only.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 REGENTS (BOARD OF)  
 UNIVERSITY OF UTAH,  
 COMMUTER SERVICES  
 ROOM 101  
 1910 E SOUTH CAMPUS DR  
 SALT LAKE CITY, UT 84112-9350  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Patti Trulli Ibolm by phone at 801-587-9883, by FAX at 801-581-5253, or by Internet E-mail at patti.trulli-ibholm@utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/01/2015

THIS RULE MAY BECOME EFFECTIVE ON: 05/08/2015

AUTHORIZED BY: Alma Allred, Director

**R810. Regents (Board of), University of Utah, Commuter Services.**

**R810-11. Appeals System.**

**R810-11-1. Appealing Parking Tickets.**

1. First Level Appeals. Ticket appeals must be made to the Appeals Office in person, by fax, in writing, ~~or by email, or online~~ up to the time a small claims affidavit has been filed.

2. Second Level Appeals. The decision of the Appeals officer may be appealed to the Campus Parking Ticket Appeals Committee after the ticket has been paid.

**KEY: parking facilities**

**Date of Enactment or Last Substantive Amendment: ~~March 6, 2008~~ 2015**

**Notice of Continuation: February 17, 2012**

**Authorizing, and Implemented or Interpreted Law: 53B-3-103; 53B-3-107**

**End of the Notices of Proposed Rules Section**

# NOTICES OF 120-DAY (EMERGENCY) RULES

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An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (. . . . .) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Division of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

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## Transportation, Motor Carrier **R909-1** Safety Regulations for Motor Carriers

### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39172  
FILED: 03/06/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** A recent change to federal Motor Carrier Safety Administration regulations creates a conflict between Section R909-1-8 and the federal regulation. This change is needed to bring Rule R909-1 into harmony with the federal regulation.

**SUMMARY OF THE RULE OR CHANGE:** Remove Section R909-1-8 from the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** 49 CFR Section 390.19 and Subsection 72-9-103(1)

**EMERGENCY RULE REASON AND JUSTIFICATION:** REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

**JUSTIFICATION:** Section R909-1-8 now conflicts with federal regulation. The Utah Department of Transportation (UDOT) feels that it is necessary to remove Section 909-1-8 immediately to bring Rule R909-1 into compliance with federal law, and to give UDOT time to review Rule R909-1 closely to determine if other changes to this rule are needed.

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This emergency rule change will not cause any change to the state budget because the state is not at risk of being penalized by the federal government. The only reason this change is being made is to end a conflict between state rule and federal regulations.

◆ **LOCAL GOVERNMENTS:** This emergency rule change will not result in any costs to local government because local governments are not affected by the conflicting state rule and federal regulation.

◆ **SMALL BUSINESSES:** This emergency rule change will not result in any costs to small business because small businesses are not affected by the conflicting state rule and federal regulation.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This emergency rule change will not result in any costs to persons other than small businesses, businesses, or local government entities because persons other than small businesses, businesses, or local government entities are not affected by the conflicting state rule and federal regulation.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This emergency rule change may result in a decrease in costs for affected persons because affected persons will not be required to comply with Section R909-1-8 for the 120 days this emergency rule is in effect.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This emergency rule change may result in a decrease in costs for affected persons because they will not be required to comply with Section R909-1-8 while this emergency rule is in effect. The whole purpose of promulgating this emergency rule is to bring UDOT into compliance with federal regulations while it is determined how best to rewrite Rule R909-1 to account for new federal regulations.

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

TRANSPORTATION  
MOTOR CARRIER  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY, UT 84119-5998  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov

EFFECTIVE: 03/06/2015

AUTHORIZED BY: Carlos Braceras, Executive Director

**R909. Transportation, Motor Carrier.**

**R909-1. Safety Regulations for Motor Carriers.**

**R909-1-1. Authority and Purpose.**

This Rule is enacted under the authority of Section 72-9-103 to enable the department to enforce the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations related to the operation of a motor carrier within the state, as required by Section 72-9-301.

**R909-1-2. Adoption of Federal Regulations.**

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 384, Parts 387 through 399, and Part 40, (October 1, 2012), as amended by the Federal Register through August 23, 2013 are incorporated by reference, except for Parts 391.11(b)(1) and 391.49 as it applies to intrastate drivers only. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and Section 72-9-102(2) engaged in intrastate commerce.

(2) Intrastate trucking operations in which the carriers operate double trailer combinations only are not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, Section 53-3-303.5 for intrastate drivers under R708-34.

(4) Drivers involved wholly in intrastate commerce shall be at least 18 years old. However, if they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, they must be 21 years old.

(5) Licensed child care providers operating a passenger vehicle with a seating capacity of not more than 30 passengers, and wholly in intrastate commerce, are exempt from 49 CFR Part 387 Subpart B but are subject to the minimum coverage requirements in Section 72-9-103.

**R909-1-3. Insurance for Private Intrastate/Interstate Motor Carriers.**

(1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier.

(2) All intrastate private motor carriers shall have a minimum amount of \$750,000 liability.

(3) All intrastate for-hire and private motor carriers transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material and hazardous substances defined in 49 CFR 171.101, shall have \$1,000,000 minimum level of financial responsibility and a MCS-90 endorsement maintained at the principal place of business.

**R909-1-4. Implements of Husbandry.**

"Implements of Husbandry" is defined in Section 41-1a-102(23) and must be in compliance with all provisions of Chapter 6, Title 41, Utah Code Annotated. Vehicles meeting this definition are exempt from 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operations.

**R909-1-5. Cease and Desist Order - Registration Sanctions.**

As authorized by Section 72-9-303, the department may issue cease and desist orders to any motor carrier that fails or neglects to comply with State and Federal Motor Carrier Safety Regulations or any part of this rule.

**R909-1-6. Penalties and Fines.**

Any motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations or any part of this rule is subject to a civil penalty as authorized by Sections 72-9-701 and 72-9-703.

**R909-1-7. Motor Carriers Delinquent in Paying Civil Penalties; Prohibition on Transportation.**

Pursuant to Section 72-9-303, a motor carrier that has failed to pay civil penalties imposed by the department, or has failed to abide by a payment plan, may be prohibited from operating commercial motor vehicles in intrastate or interstate commerce.

**[R909-1-8. MCS-150 Update Required.**

~~Utah participates in the federal Performance and Registration Information Systems Management (PRISM) program~~

~~which enforces the motor vehicle maintenance and requires updates to the USDOT number associated with the carrier responsible for the safety of each motor vehicle being registered. Utah based carriers are required to update their USDOT number information (MCS-150) at the time of vehicle registration with the Utah State Tax Commission, or at least every 12 months.~~

**]KEY: trucks, transportation safety, implements of husbandry**  
**Date of Enactment or Last Substantive Amendment: [~~March 6,~~**  
**2015**  
**Notice of Continuation: November 1, 2011**  
**Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-**  
**9-104; 72-9-101; 72-9-301; 72-9-303; 72-9-701; 72-9-703.**

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**End of the Notices of 120-Day (Emergency) Rules Section**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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.

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## Agriculture and Food, Regulatory Services **R70-101**

### Bedding, Upholstered Furniture and Quilted Clothing

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39223  
FILED: 03/16/2015

#### **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 promulgated under Section 4-10-3. It authorizes the Department to collect license fees, set labeling requirements and terms for sale and manufacture of bedding, upholstered furniture, quilted clothing products, and filling materials.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has received no comments supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to continue in order to provide consumer protection for the manufacturing, the sale and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
AGRICULTURE AND FOOD  
REGULATORY SERVICES  
350 N REDWOOD RD  
SALT LAKE CITY, UT 84116-3034  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at [kmathews@utah.gov](mailto:kmathews@utah.gov)
- ◆ Michelle Jack by phone at 801-538-7151, by FAX at 801-538-4949, or by Internet E-mail at [mjack@utah.gov](mailto:mjack@utah.gov)
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at [sericson@utah.gov](mailto:sericson@utah.gov)
- ◆ Travis Waller by phone at 801-538-7150, by FAX at 801-538-7124, or by Internet E-mail at [twaller@utah.gov](mailto:twaller@utah.gov)

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 03/16/2015

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39196  
FILED: 03/13/2015

**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 19-4-104 establishes the drinking water program, including the standards, construction, variances, operator certification, and orders.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that the drinking water program administration is firmly established in the State of Utah. It defines a public water system, which are the systems that the Division of Drinking Water can and does regulate. It sets forth the requirements and conditions of sanitary surveys, gives a rating system to public water systems, and establishes the variances and exemptions.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)  
 ♦ Patti Fauver by phone at 801-536-4196, by FAX at 801-536-4211, or by Internet E-mail at [pfauver@utah.gov](mailto:pfauver@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39197  
 FILED: 03/13/2015

**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 19-4-104 gives the Drinking Water Board the authority to establish the general responsibilities of public drinking water systems in Utah. These responsibilities include variances or exemptions from monitoring, construction standards, operator certification, cross connection control, reporting, record maintenance, and emergencies.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are adhering to the basic responsibilities of maintaining a safe drinking water system. This rule sets the foundation for the details in rules that follow, such as Rule R309-600 which details the specifics of a source water protection program. This effort will greatly assist in protection the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015



Environmental Quality, Drinking Water  
**R309-110**

Administration: Definitions

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39198  
 FILED: 03/13/2015

**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 19-4-104 authorizes the Drinking Water Board to make rules in accordance with Title 63G, Chapter 3, which includes the definitions of terms and expressions used throughout all rules under the Safe Drinking Water Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah understand the definitions of the terms and expressions used throughout Title R309. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

Environmental Quality, Drinking Water  
**R309-115**

Administrative Procedures

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39199  
 FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(b) authorizes the Drinking Water Board to enforce order by appropriate administrative and judicial proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah have direction for administrative procedures and adjudicative proceedings. This rule allows the Division of Drinking Water to enforce and follow through with rule requirements. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39200  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah have primary and secondary standards for their water quality. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39201  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards and provide for monitoring and reporting of water quality related matters.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are monitoring their sources of water for the required constituents at the correct times. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39202  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are sampling for the correct contaminants at the correct places and times in their distribution systems. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-215  
Monitoring and Water Quality:  
Treatment Plant Monitoring  
Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39203  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah that treat the water do so appropriately and according to the standards set forth in this rule. This rule not only addresses surface water treatment and cryptosporidium treatment but also the protection of ground water. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-220  
Monitoring and Water Quality: Public  
Notification Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39204  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1) authorizes the Drinking Water Board to establish standards that provide for monitoring, record keeping, and reporting of water quality-related matters.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are notifying the public as required when a violation has occurred. It is necessary to inform the public when measures must be taken to protect their health such as boil their water. This effort will greatly assist in keeping the consumers notified about the quality of their water.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-225  
Monitoring and Water Quality:  
Consumer Confidence Reports**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39205  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(i) authorizes the Drinking Water Board to establish standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring and reporting of water quality-related matters.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are providing correct and accurate yearly reports to their consumers. It outlines the contents required in the reports, when they are due, how to make them available, and how to contact the water system management with questions or concerns. This effort will greatly assist in providing good communications between water purveyors and their consumers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at [jyee@utah.gov](mailto:jyee@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

Environmental Quality, Drinking Water  
**R309-300**  
Certification Rules for Water Supply  
Operators

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39206  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(2) authorizes the Drinking Water Board to adopt and enforce standards and establish fees for certification of operators of any public water system.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are employing trained and competent personnel to run their water systems. This rule sets the foundations for the training of the water operators, testing, and continuation of their certifications. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Kim Dyches by phone at 801-536-4202, or by Internet E-mail at kdyches@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

Environmental Quality, Drinking Water  
**R309-305**  
Certification Rules for Backflow  
Technicians

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39207  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(4)(a) authorizes the Drinking Water Board to adopt and enforce standards and establish fees for certification of persons engaged in administering cross connection control programs of backflow prevention assembly training, repair, and maintenance testing.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that the individuals involved in testing backflow valves, training testers, and those administering cross connection control programs are and remain competent to do so. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Kim Dyches by phone at 801-536-4202, or by Internet E-mail at kdyches@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-400  
Water System Rating Criteria**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39208  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a) authorizes the Drinking Water Board to make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that provide for monitoring, record keeping and reporting of water quality; and Section 19-4-105 authorizes the Drinking Water Board to make rules more stringent than the corresponding federal regulations. Rule R309-400 prioritizes the rules made with authorization of Subsection 19-4-104(1)(a) and the priorities are set as more stringent than current federal regulations, as per Section 19-4-105.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that public drinking water systems in Utah are prioritizing each issue that they must address and it shows the Division of Drinking Water which systems to prioritize for compliance. It is used to evaluate the water system's standard of operation and service delivered in compliance with the other rules encompassed in Rules R309-100 through R309-705. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at jyee@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-405  
Compliance and Enforcement:  
Administrative Penalty**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39209  
FILED: 03/13/2015

**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 19-4-109 authorizes the Drinking Water Board to assess and make a demand for payment of a penalty.

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 either in support or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that the Division of Drinking Water has the authority to assess penalty amounts for water system violations. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jennifer Yee by phone at 801-536-4216, by FAX at 801-536-4211, or by Internet E-mail at jyee@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

Environmental Quality, Drinking Water  
**R309-500**

Facility Design and Operation: Plan  
Review, Operation and Maintenance  
Requirements

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39184

FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that plan review, operation, and maintenance requirements will be in place to ensure public water system facilities will provide safe drinking water to the people of the state of Utah.

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

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

## DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

Environmental Quality, Drinking Water  
**R309-505**

Facility Design and Operation:  
Minimum Treatment Requirements

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39185

FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that various types of water sources found in the state of Utah will receive the type and degree of treatment necessary to provide safe drinking water to the people of the state of Utah.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
 R309-510  
 Facility Design and Operation:  
 Minimum Sizing Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39186  
 FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In December of 2014, the Office of the Legislative Auditor General submitted a report entitled "A Review of the Division of Drinking Water's Minimum Source Sizing Requirements" to the Utah State Legislature. The report commented directly upon the source size requirements included in Rule R309-510. The report recommended that the Division of Drinking Water reevaluate the minimum source sizing requirements and clarify the regulatory process for requesting a reduction in the minimum size of a source needed. It also confirmed the benefit of having a rule like Rule R309-510 to regulate the size of the source needed by public water systems. There have been no other comments received in support or opposition of 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 continuation of this rule will ensure that new water sources, storage facilities, and distribution systems for public water systems will be sized to reliably provide an adequate supply of drinking water to the people of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
 R309-511  
 Hydraulic Modeling Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39187  
 FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that the increased water demand created by new construction will not adversely affect existing or new water users by requiring public water systems to complete hydraulic modeling to demonstrate that water system designs meet minimum flow and pressure requirements.



THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water**  
**R309-515**  
**Facility Design and Operation: Source Development**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39188  
 FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that new surface water sources, ground water wells, and ground water springs will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

**Environmental Quality, Drinking Water**  
**R309-520**  
**Facility Design and Operation: Disinfection**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39189  
 FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that new disinfection facilities will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
◆ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:  
◆ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-525  
Facility Design and Operation:  
Conventional Surface Water Treatment**

**Environmental Quality, Drinking Water  
R309-530  
Facility Design and Operation:  
Alternative Surface Water Treatment  
Methods**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39190  
FILED: 03/13/2015

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39191  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that new conventional surface water treatment plants will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that new surface water treatment plants using alternative

treatment methods, such as direct filtration, slow sand filtration, or membrane filtration, will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

and manganese control, and point-of-use and point-of-entry treatment devices, will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at [bernieclark@utah.gov](mailto:bernieclark@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-535  
Facility Design and Operation:  
Miscellaneous Treatment Methods**

**Environmental Quality, Drinking Water  
R309-540  
Facility Design and Operation: Pump  
Stations**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39192  
FILED: 03/13/2015

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39193  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that new treatment systems, such as fluoridation, taste and odor control, stabilization, deionization, aeration, softening, iron

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule will ensure that new pumping facilities and hydropneumatic systems for public water systems will be constructed to reliably provide an

adequate supply of safe drinking water to the people of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-545  
Facility Design and Operation: Drinking  
Water Storage Tanks**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39194  
FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that new drinking water storage tanks for public water systems will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-550  
Facility Design and Operation:  
Transmission and Distribution Pipelines**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39195  
FILED: 03/13/2015

**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 promulgated by the Drinking Water Board as authorized by Subsection 19-4-104(1)(a)(ii). The Drinking Water Board may make rules governing the design, operation, and maintenance of public water systems.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received in support or opposition of 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 continuation of this rule will ensure that new transmission and distribution pipelines for public water systems will be constructed to reliably provide an adequate supply of safe drinking water to the people of the state of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
DRINKING WATER  
THIRD FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Bernie Clark by phone at 801-536-0092, or by Internet E-mail at bernieclark@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Kate Johnson by phone at 801-536-4206, by FAX at 801-536-4211, or by Internet E-mail at katej@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

EFFECTIVE: 03/13/2015

**Environmental Quality, Drinking Water  
R309-600  
Source Protection: Drinking Water  
Source Protection for Ground Water  
Sources**

**Environmental Quality, Drinking Water  
R309-605  
Source Protection: Drinking Water  
Source Protection for Surface Water  
Sources**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39213  
FILED: 03/13/2015

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39214  
FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(iv) authorizes the Drinking Water Board to adopt this rule which governs the protection of ground water sources of drinking water.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(iv) authorizes the Drinking Water Board to adopt this rule which governs the protection of surface water sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received that either support or oppose this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received that either support or oppose 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 continuation of this rule is necessary because it establishes practices deemed necessary by the Drinking Water Board to protect developed ground water sources of drinking water from accidental pollution or the potential for pollution.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary because it establishes practices deemed necessary by the Drinking Water Board to protect developed surface water sources of drinking water from pollution or the potential for pollution.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Kate Johnson by phone at 801-536-4206, by FAX at 801-536-4211, or by Internet E-mail at katej@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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**Environmental Quality, Drinking Water  
 R309-700  
 Financial Assistance: State Drinking  
 Water State Revolving Fund (SRF)  
 Loan Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39210  
 FILED: 03/13/2015

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 73, Chapter 10c, authorizes the Department of Environmental Quality acting through the Drinking Water Board to award financial assistance to political subdivisions to finance all or part of drinking water project costs and to enter into "credit enhancement agreements", "interest buy-down agreements", and/or "hardship grants."

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 were received either in support of or opposition to 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: Through this rule the Drinking Water Board is able to provide grants and low-interest loans to communities for construction of drinking water system infrastructure projects. Without this financial assistance many communities

could not afford to construct the improvements necessary to protect public health and safety. This program also provides matching funds for the annual federal EPA Capitalization Grants which provide millions of dollars to the Drinking Water State Revolving Fund program and continued administration of the federal and Utah State Safe Drinking Water Acts.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 DRINKING WATER  
 THIRD FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Michael Grange by phone at 801-536-0069, by FAX at 801-536-4122, or by Internet E-mail at mgrange@utah.gov

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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**Environmental Quality, Drinking Water  
 R309-705  
 Financial Assistance: Federal Drinking  
 Water State Revolving Fund (SRF)  
 Loan Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39211  
 FILED: 03/13/2015

**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 federal Safe Drinking Water Act, 42 USC 300j et seq., and Title 73, Chapter 10c, authorize the Department of Environmental Quality acting through the Drinking Water Board to provide financial assistance to public drinking water systems for drinking water projects from a federal capitalization grant.

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 either in support of or opposition to 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: Through this rule the Drinking Water Board is able to provide millions of dollars in low-interest loans and principal forgiveness (grants) to public drinking water systems for construction of drinking water system infrastructure projects. Without this financial assistance many water systems could not afford to construct the drinking water system improvements that are necessary to protect public health and safety and the Drinking Water Board would not be able to continue administering the federal and Utah State Safe Drinking Water Acts. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Michael Grange by phone at 801-536-0069, by FAX at 801-536-4122, or by Internet E-mail at [mgrange@utah.gov](mailto:mgrange@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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## Environmental Quality, Drinking Water **R309-800** Capacity Development Program

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39212  
FILED: 03/13/2015

#### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-4-104(1)(a)(v) authorizes the Drinking Water Board to implement the Capacity Development Program and to govern the allotment of federal funds to public water systems to assist their compliance with the federal 1996 reauthorization of the Safe Drinking Water Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received either in opposition to or support of 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 1996 SDWA amendments outlined the requirements of the Capacity Development Program. The program mandates that states ensure that all new community water systems and non-transient non-community water systems demonstrate adequate technical, managerial, and financial capacity (capability) to comply with SDWA and the National Primary Drinking Water Regulations. In addition, states must ensure that existing drinking water systems demonstrate these capabilities before they can be awarded federal drinking water financial assistance from the federal Drinking Water State Revolving Fund (DWSRF) loan program. Each year states receive a capitalization grant from Congress through the EPA to finance their individual DWSRF program. If a state does not demonstrate an acceptable capacity development program, 20% of those grant funds may be withheld (SDWA 1452(a)(G)(I)). The State of Utah receives annual capitalization grants of as much as \$9,000,000 or more for the DWSRF program. Losing 20% (up to \$1,800,000 or more) of this annual funding would seriously impair the Drinking Water Board's ability to provide financial assistance to drinking water systems for system infrastructure projects and could leave the public vulnerable to health and safety risks. These funds are also vital to the state's ability to administer the federal and Utah State Safe Drinking Water Acts. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Michael Grange by phone at 801-536-0069, by FAX at 801-536-4122, or by Internet E-mail at [mgrange@utah.gov](mailto:mgrange@utah.gov)

AUTHORIZED BY: Ken Bousfield, Director

EFFECTIVE: 03/13/2015

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**Health, Administration**  
**R380-40**  
**Local Health Department Minimum**  
**Performance Standards**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39173  
FILED: 03/06/2015

**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 promulgated as required by Subsection 26A-1-106(1)(c). The minimum performance standards apply to all local health department services, regardless of funding sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received. In a meeting during 2014 of the State Health Improvement Planning process (includes state and local health departments and other public health stakeholders), a recommendation was made to update and strengthen the rule. There was strong support among local health departments and the other attendees that the rule remained important and that it was important to review and update the rule to assure it remains a useful guide for local public health services. After that recommendation, the Governance Committee established under Section 26-1-4 established a workgroup to review and recommend updates/revisions to this rule. That workgroup is currently working on those recommended changes.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The agency has received no comments suggesting the rule be discontinued. The agency has received comments suggesting the rule be updated and strengthened. In addition to the statutory obligation to define minimum performance standards in this rule, the agency strongly believes that it is more important than ever to define what capacity a local health department (LHD) must have and what services it must provide to protect the health of people in Utah. In the past year alone, Utah's LHDs have needed to respond to multiple outbreaks (including measles and the risk of importation of Ebola virus from West Africa). It is essential that LHD have adequate capacity to respond to these threats to protect their citizens. Additionally, spread of disease is not confined by political boundaries. It is essential for the protection of health of all people in Utah and for Utah to meet

its obligations to the rest of the U.S. that each LHD has at least the minimum capabilities defined by this rule. This rule is essential to define for the political jurisdictions responsible for creating and maintaining LHDs the minimum requirements they must meet if they choose to create their own LHD. Therefore, this rule should be continued.

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

HEALTH  
ADMINISTRATION  
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:

◆ Angie Stefaniak by phone at 801-538-6111, or by Internet E-mail at [astefaniak@utah.gov](mailto:astefaniak@utah.gov)

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 03/06/2015

**Insurance, Administration**  
**R590-164**  
**Uniform Health Billing Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39174  
FILED: 03/10/2015

**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 31A-22-614.5 requires all insurers that offer health insurance to use a uniform claim form and uniform billing and claim codes adopted by the commissioner in accordance with the Utah Administrative Rulemaking Act. In Section R590-164-4, the rule sets the electronic claim forms to be used uniformly, and Section R590-164-6 sets the standards for electronic data interchange transaction between providers of health services and health insurers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments regarding this rule in the past five years.



REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is required by law, Section 31A-22-614.5. This rule eliminates the need for each insurer to create their own billing form that health providers are required to complete and file with the insurer before they can receive reimbursement for their services. Uniformity in health billing forms reduces confusion, processing time, and cost. It should be noted that the organization that sets the standards has representation from major insurance carriers and health care providers. Before adopting standards, they are exposed to the insurance industry and medical organizations for their input. As many as 700 responses have been received regarding a change in standards. Ninety percent of medical billings in Utah are sent electronically, exceeding the national average. Therefore, this rule should be continued.

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

INSURANCE  
ADMINISTRATION  
ROOM 3110 STATE OFFICE BLDG  
450 N MAIN ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at [sgooch@utah.gov](mailto:sgooch@utah.gov)

AUTHORIZED BY: Todd Kiser, Commissioner

EFFECTIVE: 03/10/2015

## Insurance, Administration **R590-256**

### Health Benefit Plan Internet Portal Solvency Rating

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39175  
FILED: 03/10/2015

#### **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 31A-2-201(1) authorizes the commissioner to make rules to implement the provisions of Title 31A. Subsection 31A-22-635(7) requires the Insurance Department to establish a methodology

establishing a calendar year solvency rating to be posted on the internet portal.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the health plan internet portal to give a warning to consumers if a participating insurer has solvency concerns. Therefore, this rule should be continued.

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

INSURANCE  
ADMINISTRATION  
ROOM 3110 STATE OFFICE BLDG  
450 N MAIN ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at [sgooch@utah.gov](mailto:sgooch@utah.gov)

AUTHORIZED BY: Todd Kiser, Commissioner

EFFECTIVE: 03/10/2015

## Natural Resources, Wildlife Resources **R657-15** Closure of Gunnison, Cub and Hat Islands

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39162  
FILED: 03/03/2015

#### **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: Under Section 23-21a-3, the Wildlife Board and Division of Wildlife Resources are authorized to provide for the management of Gunnison, Cub and Hat Islands for the protection and perpetuation of the American white pelican.

**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 division has not received any written comments regarding this rule. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division of Wildlife Resources.

**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 places restrictions of access on, around, and over these islands. This protection from disturbance will ensure the continued use of these areas and result in successful brood rearing by the birds. The other habitat needs of these colonial nesting waterbirds are being met and their populations are healthy at this time. Therefore, this rule should be continued.

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](mailto:stacicoons@utah.gov)

AUTHORIZED BY: Gregory Sheehan, Director

EFFECTIVE: 03/03/2015

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**Natural Resources, Wildlife Resources**  
**R657-21**  
**Cooperative Wildlife Management Units**  
**for Small Game and Waterfowl**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39163

FILED: 03/03/2015

**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:** Under Section 23-23-3, the Wildlife Board is authorized to provide rules applicable to cooperative wildlife management units organized for the hunting of small game and waterfowl.

**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 Division of Wildlife Resources and the Wildlife Board have not received written comments supporting or opposing this rule. However, during Regional Advisory Council and Wildlife Board public meetings, the Division has received verbal comment, both in support and opposition to Rule R657-21. Any comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes and administrative record for this rule at the Division of Wildlife Resources.

**REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** Rule R657-21 provides the procedures, standards, and requirements for the establishment of a cooperative wildlife management unit. The provisions adopted in this rule are effective in providing the standards and requirements for establishing cooperative wildlife management units and providing adequate protection to landowners who open their lands for hunting and provide additional hunting opportunities. Continuation of this rule is necessary for continued success of this program.

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](mailto:stacicoons@utah.gov)

AUTHORIZED BY: Gregory Sheehan, Director

EFFECTIVE: 03/03/2015

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Public Safety, Driver License  
**R708-32**  
 Uninsured Motorist Identification  
 Database

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39179  
 FILED: 03/10/2015

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 41, Chapter 12a, Part 8, establishes the Uninsured Motorist Identification Database Program which is administered by the Utah Driver License Division with the assistance of the designated agent and the Motor Vehicle Division. As part of the Division's responsibilities, Subsection 41-12a-803(7) requires the division to make rules for administering and enforcing the database.

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 received since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The division is required to make rules regarding the Uninsured Motorist Identification Database Program under Subsection 41-12a-803(7). Therefore, this rule should be continued.

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

PUBLIC SAFETY  
 DRIVER LICENSE  
 CALVIN L RAMPTON COMPLEX  
 4501 S 2700 W 3RD FL  
 SALT LAKE CITY, UT 84119-5595  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 03/10/2015

Public Safety, Driver License  
**R708-36**  
 Disclosure of Personal Identifying  
 Information in MVRs

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39178  
 FILED: 03/10/2015

**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: Disclosure of records of the division are classified and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA), however, Section 53-3-109 authorizes the disclosure of the Motor Vehicle Record (MVR), and establishes the MVR disclosure shall be in accordance with the Driver Privacy Protection Act of 1994 (DPPA). Section 53-3-109 authorizes the division to make rules to establish the proper procedures for disclosure of the record to qualified requesters under DPPA. The rule is also used to establish what information may be disclosed on the MVR; and procedures, requirements, and formats for disclosure of the personal identifying information contained in the record.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments received during and since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is needed to: 1) establish what personal information will be included in an MVR; 2) establish procedures for disclosure of the MVR to qualified requester pursuant to Section 53-3-109, Government Access and Management Act, and the Driver Privacy Protection Act; 3) establish procedures for bulk requests; and 4) establish electronic transactions for MVRs that may be accepted if approved by the division.

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

PUBLIC SAFETY  
 DRIVER LICENSE  
 CALVIN L RAMPTON COMPLEX  
 4501 S 2700 W 3RD FL  
 SALT LAKE CITY, UT 84119-5595  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 03/10/2015

**Public Safety, Driver License  
R708-37**

**Certification of Licensed Instructors of  
Commercial Driver Training Schools or  
Testing Only Schools to Administer  
Driving Skills Tests**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39180  
FILED: 03/10/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under Subsection 53-3-510(6) which states the Division shall establish rules to establish the standards and procedures under this required section of statutory provision.

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 received since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the Division to establish minimum application procedures, training standards for licensed testers, and provisions for refusal or suspension of a testing certification. This rule benefits testers in that it gives greater details as to the processes that must be followed while providing driving skills tests. Therefore, this rule should be continued.

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

PUBLIC SAFETY  
DRIVER LICENSE  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W 3RD FL  
SALT LAKE CITY, UT 84119-5595

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 03/10/2015

**Public Safety, Driver License  
R708-40**

**Driving Simulators**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39181  
FILED: 03/10/2015

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Subsection 53-3-505 (1)(d)(i)(ii) which requires the Department of Public safety to make rules regarding fully interactive and non-fully interactive driving simulators for the purpose of completing behind the wheel driver training as required in Subsections 53-3-505.5(2)(b) and (c).

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 received since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows to define the difference between a non-fully interactive driving simulator and a fully interactive driving simulator. Therefore, allowing driver education schools to decide if the use of a simulator to help facilitate training in their school would be a benefit to the students. Therefore, this rule should be continued.

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

PUBLIC SAFETY  
DRIVER LICENSE  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W 3RD FL  
SALT LAKE CITY, UT 84119-5595  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 03/10/2015

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**Public Safety, Driver License  
 R708-41  
 Requirements for Acceptable  
 Documentation, Storage and  
 Maintenance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39182  
 FILED: 03/10/2015

**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 responsibilities and duties of the Driver License Division have been established in Title 53, Chapter 3. As part of the Division's responsibilities, Subsection 53-3-104(1) requires the division to make rules for acceptable documentation, storage, and maintenance of applicant information.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: From 01/01/2010 through 01/01/2015 there have been 133 written complaints regarding the identify/lawful presence documents required in Rule R708-41.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The division is required to make rules regarding the acceptable documentation, storage and maintenance of applicant information. As part of the Federal Real ID Act of 2005, acceptable documentation has been established which must be presented by the applicant in order to obtain a license or identification card. Deviation from this list could jeopardize the states compliance to the federal act and the Utah certificate (license or identification card) would no longer be acceptable for proof of identify for federal purposes. As of the end of December 2014, the majority of Utah certificate holders had complied with the federal act and this rule. Therefore, this rule should be continued.

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

PUBLIC SAFETY  
 DRIVER LICENSE  
 CALVIN L RAMPTON COMPLEX  
 4501 S 2700 W 3RD FL  
 SALT LAKE CITY, UT 84119-5595  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 03/10/2015

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**End of the Five-Year Notices of Review and Statements of Continuation Section**



**NOTICES OF  
FIVE-YEAR REVIEW EXTENSIONS**

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Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Division of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

**EXTENSIONS** are governed by Subsection 63G-3-305(6).

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Transportation, Operations,  
Construction  
**R916-4**  
Construction Manager/General  
Contractor Contracts

**FIVE-YEAR REVIEW EXTENSION**

DAR FILE NO.: 39183

FILED: 03/10/2015

**EXTENSION REASON AND NEW DEADLINE:** The department has filed an amendment to Rule R916-4. The amendment is DAR No. 39101. The 30-day comment period does not expire until 03/18/2015, and the amendment cannot be made effective until 03/26/2015. This extension is needed to keep the present rule from expiring prior to 03/26/2015. The new deadline is 07/09/2015.

**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](mailto:jimpalmer@utah.gov)

**AUTHORIZED BY:** Carlos Braceras, Executive Director

**EFFECTIVE:** 03/10/2015

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**End of the Notices of Five-Year Review Extensions Section**





## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal & Reenact  
REP = Repeal

### Administrative Services

Facilities Construction and Management  
No. 39033 (R&R): R23-1. Procurement of Construction  
Published: 01/15/2015  
Effective: 03/03/2015

No. 39061 (REP): R23-2. Procurement of Architect-Engineer Services  
Published: 02/01/2015  
Effective: 03/16/2015

### Commerce

Securities  
No. 38926 (AMD): R164-15-2. Notice Filings for Rule 506 Offerings  
Published: 11/15/2014  
Effective: 03/10/2015

### Education

Administration  
No. 39078 (AMD): R277-111. Sharing of Curriculum Materials by Public School Educators  
Published: 02/01/2015  
Effective: 03/10/2015

No. 39079 (NEW): R277-468. Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process  
Published: 02/01/2015  
Effective: 03/10/2015

### Environmental Quality

Air Quality  
No. 38998 (AMD): R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment  
Published: 01/01/2015  
Effective: 03/05/2015

No. 38997 (NEW): R307-311. Utah County: Trading of Emission Budgets for Transportation Conformity  
Published: 01/01/2015  
Effective: 03/05/2015

### Health

Disease Control and Prevention, Health Promotion  
No. 39052 (NEW): R384-300. Parkinson's Disease Reporting Rule  
Published: 02/01/2015  
Effective: 03/12/2015

Family Health and Preparedness, Children with Special Health Care Needs  
No. 39054 (AMD): R398-1. Newborn Screening  
Published: 02/01/2015  
Effective: 06/01/2015

### Natural Resources

Wildlife Resources  
No. 39062 (AMD): R657-5. Taking Big Game  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39063 (AMD): R657-33. Taking Bear  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39064 (AMD): R657-38. Dedicated Hunter Program  
Published: 02/01/2015  
Effective: 03/16/2015

NOTICES OF RULE EFFECTIVE DATES

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No. 39065 (AMD): R657-41. Conservation and Sportsman Permits  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39066 (AMD): R657-42. Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39067 (AMD): R657-55. Wildlife Convention Permits  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39068 (AMD): R657-57. Division Variance Rule  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39069 (AMD): R657-59. Private Fish Ponds  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39070 (AMD): R657-62. Drawing Application Procedures  
Published: 02/01/2015  
Effective: 03/16/2015

No. 39071 (AMD): R657-68. Trial Hunting Authorization  
Published: 02/01/2015  
Effective: 03/16/2015

Public Safety

Driver License

No. 39072 (AMD): R708-7. Functional Ability in Driving: Guidelines for Physicians  
Published: 02/01/2015  
Effective: 03/10/2015

Workforce Services

Housing and Community Development

No. 39085 (AMD): R990-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance  
Published: 02/01/2015  
Effective: 03/10/2015

**End of the Notices of Rule Effective Dates Section**

**RULES INDEX  
BY AGENCY (CODE NUMBER)  
AND  
BY KEYWORD (SUBJECT)**

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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, 2015 through March 16, 2015. 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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## RULES INDEX - BY AGENCY (CODE NUMBER)

### ABBREVIATIONS

<p>AMD = Amendment (Proposed Rule)                  CPR = Change in Proposed Rule                  EMR = 120-Day (Emergency) Rule                  EXD = Expired Rule                  EXP = Expedited Rule                  EXT = Five-Year Review Extension                  GEX = Governor's Extension</p>	<p>LNR = Legislative Nonreauthorization                  NEW = New Rule (Proposed Rule)                  NSC = Nonsubstantive Rule Change                  R&amp;R = Repeal and Reenact (Proposed Rule)                  REP = Repeal (Proposed Rule)                  5YR = Five-Year Notice of Review and                  Statement of Continuation</p>
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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Facilities Construction and Management</u>					
R23-1	Procurement of Construction	39033	R&R	03/03/2015	2015-2/4
R23-2	Procurement of Architect-Engineer Services	39061	REP	03/16/2015	2015-3/4
<u>Purchasing and General Services</u>					
R33-1-1	Definitions	38974	AMD	01/28/2015	2014-24/4
R33-6-101	Competitive Sealed Bidding; Multiple Stage Bidding; Reverse Auction	38975	AMD	01/28/2015	2014-24/5
R33-7	Request for Proposals	38976	AMD	01/28/2015	2014-24/6
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38977	AMD	01/28/2015	2014-24/9
R33-16-401	Protest Officer May Correct Noncompliance, Errors and Discrepancies	38978	AMD	01/28/2015	2014-24/12
R33-26	State Surplus Property	39084	NSC	01/28/2015	Not Printed
<b>AGRICULTURE AND FOOD</b>					
<u>Animal Industry</u>					
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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
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