

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed September 02, 2015, 12:00 a.m. through September 15, 2015, 11:59 p.m.

Number 2015-19  
October 01, 2015

Nancy L. Lancaster, Editor  
Patricia Smith-Mansfield, Director  
Kimberly K. Hood, Executive Director

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

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764. Additional rulemaking information and electronic versions of all administrative rule publications are available at <http://www.rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Division of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

<b>SPECIAL NOTICES</b> .....	<b>1</b>
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Public Hearing for Rulemaking Requirements for S.B. 61 (2015).....	1
<b>NOTICES OF PROPOSED RULES</b> .....	<b>3</b>
Administrative Services	
Facilities Construction and Management	
No. 39752 (Amendment): R23-3 Planning and Programming for Capital Projects.....	4
Commerce	
Occupational and Professional Licensing	
No. 39639 (Amendment): R156-41-602 Form of Written Informed Consent.....	7
Environmental Quality	
Administration	
No. 39720 (Amendment): R305-7 Administrative Procedures.....	8
Air Quality	
No. 39751 (Amendment): R307-101-2 Definitions.....	17
No. 39750 (Amendment): R307-102-1 Air Pollution Prohibited; Periodic Reports Required.....	25
No. 39740 (New Rule): R307-104 Conflict of Interest.....	26
No. 39733 (Amendment): R307-110-10 Section IX. Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.....	26
No. 39735 (Amendment): R307-110-17 Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.....	28
No. 39749 (Amendment): R307-150 Emission Inventories.....	29
No. 39748 (Amendment): R307-201-3 Visible Emissions Standards.....	31
No. 39747 (Amendment): R307-206 Emission Standards: Abrasive Blasting.....	32
No. 39746 (Amendment): R307-303 Commercial Cooking.....	34
No. 39743 (Amendment): R307-305-3 Visible Emissions.....	35
No. 39744 (Amendment): R307-306 PM10 Nonattainment and Maintenance Areas: Abrasive Blasting.....	36
No. 39745 (Amendment): R307-401 Permit: New and Modified Sources.....	37
No. 39742 (Amendment): R307-410 Permits: Emissions Impact Analysis.....	44
No. 39741 (Amendment): R307-415 Permits: Operating Permit Requirements.....	46
Drinking Water	
No. 39640 (Amendment): R309-500-6 Plan Approval Procedure.....	50
No. 39641 (Amendment): R309-520 Facility Design and Operation: Disinfection.....	52
Health	
Children's Health Insurance Program	
No. 39734 (Amendment): R382-10 Eligibility.....	63
Disease Control and Prevention, Environmental Services	
No. 39723 (Amendment): R392-302 Design, Construction and Operation of Public Pools.....	66
Human Services	
Administration, Administrative Services, Licensing	
No. 39732 (Amendment): R501-18 Recovery Residence Services.....	67
Insurance	
Administration	
No. 39754 (Amendment): R590-260 Utah Defined Contribution Risk Adjuster Plan of Operation.....	71
No. 39755 (New Rule): R590-272 Commission Compensation Reporting.....	72
Natural Resources	
Wildlife Resources	
No. 39719 (Amendment): R657-3 Collection, Importation, Transportation, and Possession of Animals.....	74
No. 39717 (Amendment): R657-6 Taking Upland Game.....	78

TABLE OF CONTENTS

No. 39718 (Amendment): R657-9 Taking Waterfowl, Common Snipe and Coot.....	79
No. 39712 (Amendment): R657-10 Taking Cougar.....	81
No. 39713 (Amendment): R657-11 Taking Furbearers.....	85
No. 39715 (Amendment): R657-45 Wildlife License, Permit, and Certificate of Registration Forms and Terms.....	87
No. 39739 (Amendment): R657-55 Wildlife Expo Permits.....	89
No. 39714 (Amendment): R657-60 Aquatic Invasive Species Interdiction.....	93
No. 39716 (Amendment): R657-63 Self Defense Against Wild Animals.....	97
Public Safety	
Peace Officer Standards and Training	
No. 39738 (Amendment): R728-409 Suspension, Revocation, or Relinquishment of Certification.....	98
Technology Services	
Administration	
No. 39731 (Repeal): R895-11 Technology Services Adjudicative Proceedings.....	102
<b>NOTICES OF CHANGES IN PROPOSED RULES.....</b>	<b>105</b>
Environmental Quality	
Air Quality	
No. 39355: R307-230 NOx Emission Limits for Natural Gas-Fired Water Heaters.....	106
<b>NOTICES 120-DAY (EMERGENCY) RULES.....</b>	<b>109</b>
Agriculture and Food	
Administration	
No. 39636: R51-1 Public Petitions for Declaratory Rulings.....	109
Human Services	
Administration, Administrative Services, Licensing	
No. 39638: R501-12 Foster Care Services.....	110
<b>FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....</b>	<b>113</b>
Administrative Services	
Administrative Rules	
No. 39726: R15-1 Administrative Rule Hearings.....	113
No. 39727: R15-2 Public Petitioning for Rulemaking.....	113
No. 39728: R15-3 Definitional Clarification of Administrative Rule.....	114
No. 39729: R15-4 Administrative Rulemaking Procedures.....	115
No. 39730: R15-5 Administrative Rules Adjudicative Proceedings.....	115
Commerce	
Occupational and Professional Licensing	
No. 39737: R156-50 Private Probation Provider Licensing Act Rule.....	116
No. 39736: R156-55e Elevator Mechanics Licensing Rule.....	116
Insurance	
Administration	
No. 39651: R590-130 Rules Governing Advertisements of Insurance.....	117
No. 39650: R590-258 Email Address Requirement.....	118
Title and Escrow Commission	
No. 39652: R592-1 Title Insurance Licensing.....	118
No. 39653: R592-2 Title Insurance Administrative Hearings and Penalty Imposition.....	119
Technology Services	
Administration	
No. 39724: R895-1 Access to Records.....	119
No. 39753: R895-2 Americans With Disabilities Act (ADA) Complaint Procedure.....	120
Workforce Services	
Employment Development	
No. 39634: R986-100 Employment Support Programs.....	120
No. 39635: R986-200 Family Employment Program.....	121
No. 39643: R986-300 Refugee Resettlement Program.....	121

---

No. 39644: R986-400 General Assistance.....	122
No. 39645: R986-500 Adoption Assistance.....	122
No. 39646: R986-600 Workforce Investment Act.....	123
No. 39647: R986-700 Child Care Assistance.....	123
No. 39648: R986-800 Displaced Homemaker Program.....	124
No. 39649: R986-900 Food Stamps.....	124
<b>NOTICES FIVE-YEAR REVIEW EXTENSION.....</b>	<b>127</b>
Heritage and Arts	
Indian Affairs	
No. 39721: R456-1 Native American Grave Protection and Repatriation.....	127
<b>NOTICES OF RULE EFFECTIVE DATES.....</b>	<b>129</b>
<b>RULES INDEX</b>	
<b>BY AGENCY (CODE NUMBER)</b>	
<b>AND</b>	
<b>BY KEYWORD (SUBJECT).....</b>	<b>131</b>



# SPECIAL NOTICES

---

**Health**  
**Health Care Financing, Coverage and Reimbursement Policy**  
**Public Hearing for Rulemaking Requirements for S.B. 61 (2015)**

The Division of Medicaid and Health Financing will hold a public hearing to discuss rulemaking requirements set forth under S.B. 61, Medicaid Audit Amendments, passed during the 2015 General Session of the Utah Legislature.

This bill requires the Department of Health to adopt administrative rules, and in consultation with providers and health care professionals subject to audit and investigation under the state Medicaid program, to establish procedures for audits and investigations that are fair and consistent with the duties of the Department as the single state agency responsible for the administration of the Medicaid program.

The public hearing will be held Thursday, October 8, 2015, from 3 p.m. to 5 p.m., in Room 125 of the Cannon Health Building, 288 North 1460 West, Salt Lake City, UT.

A conference line is available for those who would like to attend the meeting by phone: 1-877-820-7831, passcode 116779#.

*Individuals needing special accommodations to participate in this meeting should contact Craig Devashrayee, 801-538-6641 by October 5, 2015.*

**End of the Special Notices Section**





## NOTICES OF PROPOSED RULES

---

A state agency may file a **PROPOSED RULE** when it determines the need for a 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 September 02, 2015, 12:00 a.m., and September 15, 2015, 11:59 p.m. are included in this, the October 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 November 2, 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 January 29, 2016, the agency may notify the Division of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

**PROPOSED RULES** are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

---

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

**Administrative Services, Facilities  
Construction and Management  
R23-3  
Planning and Programming for Capital  
Projects**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39752

FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify the restrictions of Programming Firms and add the Standards and Requirements for a Capital Development Project Request including a feasibility study.

**SUMMARY OF THE RULE OR CHANGE:** Clarifies the Division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and Requirements for a Capital Development Project Request including a feasibility study were also added to Section R23-3-10.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63A-5-103 and Section 63A-5-211

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There are no anticipated costs or savings that are expected for the state budget. The changes only clarify the division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and Requirements for a Capital Development Project Request including a feasibility study were also added to Section R23-3-10.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings that are expected for local government. The changes only clarify the division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and Requirements for a Capital Development Project Request including a feasibility study were also added to Section R23-3-10.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings that are expected for small businesses. The changes only clarify the division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and

Requirements for a Capital Development Project Request including a feasibility study were also added to R23-3-10.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings that are expected for other persons. The changes only clarify the division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and Requirements for a Capital Development Project Request including a feasibility study were also added to Section R23-3-10.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. The changes only clarify the division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and Requirements for a Capital Development Project Request including a feasibility study were also added to Section R23-3-10.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no fiscal impacts that the rule may have on businesses. The changes only clarify the division's sole discretion based on the interest of the state, in determining whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project. The Standards and Requirements for a Capital Development Project Request including a feasibility study were also added to Section R23-3-10.

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

ADMINISTRATIVE SERVICES  
FACILITIES CONSTRUCTION AND MANAGEMENT  
ROOM 4110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at [abachman@utah.gov](mailto:abachman@utah.gov)

◆ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at [nicolealder@utah.gov](mailto:nicolealder@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY: Bruce Whittington, Acting Director**

**R23. Administrative Services, Facilities Construction and Management.**

**R23-3. Planning, ~~and~~ Programming, Request for Capital Development Projects and Operation and Maintenance Reporting. ~~for Capital Projects.~~**

**R23-3-1. Purpose and Authority.**

(1) This rule establishes policies and procedures for the authorization, funding, and development of programs for capital development and capital improvement projects and the use and administration of the Planning Fund.

(2) The Board's authority to administer the planning process for state facilities is contained in Section 63A-5-103.

(3) The statutes governing the Planning Fund are contained in Section 63A-5-211.

(4) The Board's authority to make rules for its duties and those of the Division is set forth in Subsection 63A-5-103(1).

**R23-3-2. Definitions.**

(1) "Agency" means each department, agency, institution, commission, board, or other administrative unit of the State of Utah.

(2) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(3) "Capital Development" is defined in Section 63A-5-104.

(4) "Capital Improvement" is defined in Section 63A-5-104.

(5) "Director" means the Director of the Division, including, unless otherwise stated, his duly authorized designee.

(6) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(7) "Planning Fund" means the revolving fund created pursuant to Section 63A-5-211 for the purposes outlined therein.

(8) "Program" means a document containing a detailed description of the scope, the required areas and their relationships, and the estimated cost of a construction project.

(a) "Program" typically refers to an architectural program but, as used in this rule, the term "program" includes studies that approximate an architectural program in purpose and detail.

(b) "Program" does not mean feasibility studies, building evaluations, master plans, or general project descriptions prepared for purposes of soliciting funding through donations or grants.

**R23-3-3. When Programs Are Required.**

(1) For capital development projects, a program must be developed before the design may begin unless the Director determines that a program is not needed for that specific project. Examples of capital development projects that may not require a program include land purchases, building purchases requiring little or no remodeling, and projects repeating a previously used design.

(2) For capital improvement projects, the Director shall determine whether the nature of the project requires that a program be prepared.

**R23-3-4. Authorization of Programs.**

(1) The initiation of a program for a capital development project must be approved by the Legislature or the Board if it is anticipated that state funds will be requested for the design or construction of the project.

(2) When requesting Board approval, the agency shall justify the need for initiating the programming process at that point in time and also address the level of support for funding the project soon after the program will be completed.

**R23-3-5. Funding of Programs.**

Programs may be funded from one of the following sources.

(1) Funds appropriated for that purpose by the Legislature.

(2) Funds provided by the agency.

(a) This would typically be the funding source for the development of programs before the Legislature funds the project.

(b) Funds advanced by agencies for programming costs may be included in the project budget request but no assurance can be given that project funds will be available to reimburse the agency.

(c) Agencies that advance funds for programming that would otherwise lapse may not be reimbursed in a subsequent fiscal year.

(3) If an agency is able to demonstrate to the Board that there is no other funding source for programming for a project that is likely to be funded in the upcoming legislative session, it may request to borrow funds from the Planning Fund as provided for in Section R23-3-8.

**R23-3-6. Administration of Programming.**

(1) The development of programs shall be administered by the Division in cooperation with the requesting agency unless the Director authorizes the requesting agency to administer the programming.

(2) This Section R23-3-6 does not apply to projects that are exempt from the Division's administration pursuant to Subsection 63A-5-206(3).

**R23-3-7. Restrictions of Programming Firm.**

(1) The Division may in its sole discretion based on the interest of the State, determine whether a programming firm (person) may be able to participate in any or all of the design or other similar aspects of a project.

(2) If there is any restriction of a programming firm to participate in future selections of a project, the Division shall provide this restriction in any competitive solicitation, if there is one, that may be issued for selecting a programming firm. If there is no solicitation for the selection of the programming firm (i.e. sole source, small purchase, emergency procurement, etc.), then Division may simply provide any restriction of the firm's future participation in any other aspect of the project, by placing the restriction in the contract.

(3) Notwithstanding any provision of this Rule or any other Rule of this Board, the Division may terminate or suspend programming and design contracts at any time consistent with the provisions of the contract.

[— (1) Except as provided in Subsections 2 and 3, neither a firm that prepares a program for a project nor its subconsultants may be prohibited from being considered for selection as the lead design firm or a member of the design team for that project unless the procurement documents for the selection of the firm for the

~~programming services or the contract with the firm for the programming services contains such a restriction.~~

~~(2) In general, a firm that prepares a program for a project that is expected to be developed using the design-build method described in Section R23-1-45 may not be a member of the design-build team for that project. In order for this restriction to take effect, this restriction must be stated in the procurement documents for the selection of the firm for the programming services or the contract with the firm for the programming services. This restriction shall not apply to a subconsultant of the programming firm unless the procurement documents contain such a restriction.~~

~~(3) A restriction, as provided for in this Section may be waived if the Director makes a written determination that it is in the best interests of the State to waive this requirement.~~

]

#### **R23-3-8. Use and Reimbursement of Planning Fund.**

(1) The Planning Fund may be used for the purposes stated in Section 63A-5-211 including the development of:

- (a) facility master plans;
- (b) programs; and
- (c) building evaluations or studies to determine the feasibility, scope and cost of capital development and capital improvement requests.

(2) Expenditures from the Planning Fund must be approved by the Director.

(3) Expenditures in excess of \$25,000 for a single planning or programming purpose must also be approved in advance by the Board.

(4) The Planning Fund shall be reimbursed from the next funded or authorized project for that agency that is related to the purposes for which the expenditure was made from the Planning Fund.

(5) The Division shall report changes in the status of the Planning Fund to the Board.

(6) The Division shall report changes in the status of the Planning Fund to the Board.

#### **R23-3-9. Development and Approval of Master Plans.**

(1) For each major campus of state-owned buildings, the agency with primary responsibility for operations occurring at the campus shall, in cooperation with the Division, develop and maintain a master plan that reflects the current and projected development of the campus.

(2) The purpose of the master plan is to encourage long term planning and to guide future development.

(3) Master plans for campuses and facilities not covered by Subsection (1) may be developed upon the request of the Board or when the Division and the agency determine that a master plan is necessary or appropriate.

(4) The initial master plan for a campus, and any substantial modifications thereafter, shall be presented to the Board for approval.

#### **R23-3-10. Standards and Requirements for a Capital Development Project Request, Including a Feasibility Study.**

(1) The Building Board Director shall establish a form for the consideration of Capital Development Projects which provides the following:

- (a) the type of request, including whether it is, inwhole or part, state funded, non-state or private funded, or whether it is non-state or private funded with an operations and maintenance request;

~~(b) defines the appropriateness and the project scope including proposed square footage;~~

~~(c) the proposed cost of the project including the preliminary cost estimate, proposed funding, the previous state funding provided, as well as other sources;~~

~~(d) the proposed ongoing operating budget funding, new program costs and new full time employees for the operations and maintenance and other programs;~~

~~(e) an analysis of current facilities and why the proposed facility is needed;~~

~~(f) a project executive summary of why the project is needed including the purpose of the project, the benefits to the State, how it relates to the mission of the entity and related aspects;~~

~~(g) the feasibility and planning of the project that includes how it corresponds to the applicable master plan, the economic impacts of the project, pedestrian, transportation and parking issues, various impacts including economic and community impacts, the extent of site evaluation, utility and infrastructure concerns and all other aspects of a customary feasibility study for a project of the particular type, location, size and magnitude;~~

~~(h) any land banking requests; and~~

~~(i) any other federal or state statutory or rule requirements related to the project.~~

~~(2) The form referred to in subsection (1) above shall also include the scoring criteria and weighting of the scores to be used in the Board's prioritization process, including:~~

~~(a) existing building deficiencies and life safety concerns;~~

~~(b) essential program growth;~~

~~(c) cost effectiveness;~~

~~(d) project need, including the improved program effectiveness and support of critical programs/initiatives;~~

~~(e) the availability of alternative funding sources that does not include funding from the Utah legislature; and~~

~~(f) weighting for all the above criteria as published in the Five Year Building Program for State Agencies and Institution as published and submitted to the Utah Legislature for the General Session immediately preceding the prioritization of the Board unless the Board in a public meeting has approved a different criteria and/or weighting system.~~

~~(3) The Board shall verify the completion and accuracy of the feasibility study referred to in this Rule.~~

#### **R23-3-11. Standards and Requirements for Reporting Operations and Maintenance Expenditures for State-Owned Facilities, Including Utility Metering.**

~~(1) No later than December 31st of each calendar year, the Board shall consider, adopt and publish facility maintenance standards which shall require annual reporting by all agencies and institutions to the Building Board Director no later than December 31st of each calendar year.~~

~~(2) The facility maintenance standards shall include utility metering requirements to track the utility costs as well as all other necessary requirements to monitor facility maintenance costs.~~

~~(3) The adopted Board facility management standards including annual reporting requirements shall be published on the Division of Facilities Construction and Management website.~~

~~(4) If the Board does not adopt new or amended facility maintenance standards, the prior adopted standards on the DFCM website shall apply.~~

(5) The Building Board Director shall oversee the conducting of facility maintenance audit for state-owned facilities.

**KEY:** planning, public buildings, design, procurement  
**Date of Enactment or Last Substantive Amendment:** [~~March 15, 2005~~2015  
**Notice of Continuation:** April 3, 2014  
**Authorizing, and Implemented or Interpreted Law:** 63A-5-103; 63A-5-211

**Commerce, Occupational and  
 Professional Licensing  
 R156-41-602  
 Form of Written Informed Consent**

**NOTICE OF PROPOSED RULE  
 (Amendment)  
 DAR FILE NO.: 39639  
 FILED: 09/03/2015**

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** H.B. 112, which was passed during the 2015 General Session, added a requirement that sellers of hearing aids obtain informed consent from their clients on a form approved by the Division in collaboration with the Board. This proposed rule change establishes the approved form for clients of speech-language pathologists and audiologists to acknowledge informed consent.

**SUMMARY OF THE RULE OR CHANGE:** Section R156-41-602 is added to establish the approved form for clients of hearing aid sellers to acknowledge informed consent.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-51-1 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** The Division will incur minimal costs of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.
- ◆ **LOCAL GOVERNMENTS:** The proposed amendments apply only to licensed speech-language pathologists and audiologists and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.
- ◆ **SMALL BUSINESSES:** The proposed amendments will have a very minor compliance cost for businesses where hearing aids are sold. These businesses were already required to make certain disclosures to clients. The new statute added a requirement that the form of disclosure and

informed consent, to those disclosures, be on a form approved by the Division and the Board. There is no anticipated added cost for complying with this rule beyond what was already contemplated in the passage of H.B. 112 (2015).

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments will have a very minor compliance cost for speech-language pathologists and audiologists who are sellers of hearing aids. These licensees were already required to make certain disclosures to clients. The new statute added a requirement that the form of disclosure and informed consent, to those disclosures, be on a form approved by the Division and the Board. There is no anticipated added cost for complying with this rule beyond what was already contemplated in the passage of H.B. 112 (2015).

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed amendments will have a very minor compliance cost for speech-language pathologists and audiologists who are sellers of hearing aids. These licensees were already required to make certain disclosures to clients. The new statute added a requirement that the form of disclosure and informed consent, to those disclosures, be on a form approved by the Division and the Board. There is no anticipated added cost for complying with this rule beyond what was already contemplated in the passage of H.B. 112 (2015).

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** As stated in the rule analysis, this filing responds to legislative action (H.B. 112, 2015), which required licensed speech-language pathologists and audiologists to obtain informed consent from clients prior to providing hearing aids. The rule specifies the contents of the consent form. No fiscal impact to businesses is anticipated beyond that considered by the legislature in determining to require the disclosure.

**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:**

- ◆ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 10/06/2015 08:30 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-41. Speech-Language Pathology and Audiology Licensing Act Rule.**

**R156-41-602. Form of Written Informed Consent.**

(1) In accordance with Section 58-41-17, a speech-language pathologist or audiologist licensed under this chapter who offers to sell a hearing aid to a consumer shall include the patient's informed consent in substantially the following form.

TABLE

ACKNOWLEDGEMENT OF INFORMED CONSENT

As a consumer of a hearing aid, you are required to be informed of certain information as provided in Section 58-41-17 of the Utah Code.

1. I (the consumer) have been informed regarding hearing aids that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.

2. I (the consumer) have been provided with a written receipt or a written contract that provides the consumer with a 30-day right to cancel the purchase and to obtain a refund if the consumer returns the hearing aid to the seller in the same condition as when purchased, excluding ordinary wear and tear.

I hereby acknowledge being informed of the above and consent to the receive the hearing aid.  
Patient's Signature and Date

Patient's Authorized Representative Signature and Date  
Relationship to Patient

(2) A patient's informed consent form shall meet the following requirements:

(a) The 30-day written receipt or contract shall be written in at least 12-point font.

(b) The 30-day right to cancel shall commence from the date the hearing aid is originally delivered to the consumer or the date the written receipt or contract is delivered to the consumer, whichever is later.

(c) The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original deliver.

(d) Upon exercise of the 30-day right to cancel a hearing aid purchase, the seller of the hearing aid is entitled to a cancellation fee equal to the actual cost that will be incurred by the seller in order to return the hearing aid to the manufacturer, provided that the written receipt or contract states the exact amount that will be retained by the seller as a cancellation fee.

**KEY: licensing, speech-language pathology, audiology**

**Date of Enactment or Last Substantive Amendment:**  
**[September 21, 2010]2015**

**Notice of Continuation: November 29, 2011**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-41-1**

Environmental Quality, Administration  
**R305-7**  
Administrative Procedures

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39720

FILED: 09/08/2015

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The primary purpose of this rule amendment is to implement the amendment to Section 19-1-301.5 that became effective 05/12/2015 through S.B. 282 and S.B.173 from the 2015 General Session. Section 19-1-301.5 was amended to revise procedural requirements applicable to permit review proceedings. For example, the Section 19-1-301.5 amendment requires the filing of a petition for review instead of a request for agency action to challenge a permit order. In addition, the Section 19-1-301.5 amendment imposes page limitations on briefs and limits supplementation of the administrative record. The Section 19-1-301.5 amendment also requires the petitioner to marshal the evidence and it revises the standard of review language. The Section 19-1-301.5 amendment requires administrative law judges (ALJs) to promptly issue decisions. The Section 19-1-301.5 amendment renames "permit review adjudicative proceedings" to "special adjudicative proceedings" and explicitly identifies challenges to certain financial assurance determinations as falling within the special adjudicative proceeding procedures. A secondary purpose of this rule amendment is to update the filing and address requirements resulting from the merger of the Division of Solid and Hazardous Waste with the Division of Radiation Control.

SUMMARY OF THE RULE OR CHANGE: The term "petition for review" replaces "request for agency action" in Part 2, (Sections R305-7-200 to R305-7-217). Section R305-7-102 defines "other administrative authorization" to specifically include financial assurance determinations identified by Section 19-1-301.5. Section R305-7-109 indicates that there is no default for not filing a response to a petition for review under Subsection 63G-4-209(c) in a special adjudicative proceeding. Section R305-7-200 describes the retrospective nature and application of the amendments to Section 19-1-301.5. Section R305-7-203 describes specific information

that must be included in a petition for review. Section R305-7-206 describes proceedings after a petition for review is filed. Section R305-7-209 describes the administrative record and associated filing requirement. Section R305-7-213 describes briefing requirements. Section R305-7-214 explains the petitioner's marshaling requirement and the standard of review. Section R305-7-602 updates the filing and address requirements resulting from the merger of the Division of Solid and Hazardous Waste with the Division of Radiation Control.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-1-105 and Section 19-1-301.5

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: The proposed change may make the review procedure more efficient. There may be some costs savings in having the proceeding take less time to resolve. The agency does not anticipate workload increases as a result of the rule amendment.
- ◆ LOCAL GOVERNMENTS: The proposed change may make the review procedure more efficient. There may be some costs savings in having the proceeding take less time to resolve. The agency does not anticipate additional costs to local governments as a result of the rule amendment.
- ◆ SMALL BUSINESSES: The proposed change may make the review procedure more efficient. There may be some costs savings in having the proceeding take less time to resolve. The agency does not anticipate additional costs to small business as a result of the rule amendment.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed change may make the review procedure more efficient. There may be some costs savings in having the proceeding take less time to resolve. The agency does not anticipate additional costs to persons who may be affected by the rule amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Filing a petition for review does not have a fee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of the rule amendment is to implement amendments to Section 19-1-301.5 enacted during the 2015 General Session. The purpose of the statutory amendment was to make the adjudicative process faster in resolving permit challenges. There may be more work in earlier stages of the proceeding that the parties would previously have faced later in the process. There may be some costs savings in having the proceeding take less time to resolve.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Sandra Allen by phone at 801-536-4122, by FAX at 801-359-8853, or by Internet E-mail at skallen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Alan Matheson, Executive Director

### **R305. Environmental Quality, Administration.**

#### **R305-7. Administrative Procedures.**

##### **R305-7-101. Scope of Rule and Purpose of Parts.**

(1) This rule governs all adjudicative procedures conducted under the authority of the Environmental Quality Code, Utah Code Ann. Title 19. This rule does not govern the proceedings that result in an initial determination by the Director, including the issuance of the initial determination itself.

(2) (a) Part 1 of this Rule (R305-7-101 through 113) applies to all adjudications before the agency. It addresses general and preliminary matters.

(b) Part 2 of this Rule (R305-7-200[+] through 217) applies to special adjudicative proceedings~~[permit review adjudicative procedures]~~. These procedures are governed by Section 19-1-301.5.

(c) Part 3 of this Rule (R305-7-301 through 320) applies to adjudicative procedures that are not special adjudicative proceedings~~[permit review adjudicative procedures]~~. These procedures are governed by Section 19-1-301.

(e) Part 4 of this Rule (R305-7-401 through 403) addresses matters initiated by notices of agency action.

(d) Part 5 of this Rule (R305-7-501 through 503) addresses declaratory orders and emergency adjudication.

(e) Part 6 of this Rule (R305-7-601 through 623) addresses matters relevant to specific statutes.

##### **R305-7-102. Definitions.**

(1) The following definitions apply to this Rule. The definitions in Part 6 of this Rule, e.g., the definition of "Director," also apply for matters governed by the statutory provisions specified in that Part. If the definition in Part 6 differs from the definition in Part 1, the definition in Part 6 controls.

(a) "Administrative Law Judge" or ALJ means the person appointed under Section 19-1-301(5) or Section 19-1-301.5(5) to conduct an adjudicative proceeding.

(b) "Administrative Proceedings Records Officer" means a person who receives a record copy of submissions on behalf of the agency, as specified in R305-7-104.

(c) "Administrative Record," for purposes of Part 2 of this Rule, means the record described in Section 19-1-301.5(8)(b) and upon which a special~~[permit review]~~ adjudicative proceeding is conducted. See also R305-7-209.

(d) "Days" means calendar days unless otherwise specified. See also R305-7-105.

(e) "Director" means the director of one of the divisions listed in Section 19-1-105(1)(a). The Director is defined, for each statute administered by the Department, in Part 6 of this Rule.

(f) "Executive Director" means the Executive Director of the Department of Environmental Quality.

(g) "Initial Order" means an order that is not a Permit Order, that is issued by the Director and that is the final step in the portion of a proceeding that is exempt from the requirements of UAPA as provided in Section 63G-4-102(2)(k).

(h) "Notice of Violation" means a notice of violation issued by the Director that is exempt from the requirements of UAPA under Section 63G-4-102(2)(k).

(i) "Part" means the sections of this Rule that are grouped together by subject matter, e.g., Sections R305-7-501 through 503 are Part 5 of this Rule.

(j) "Party" is defined in R-305-7-207 for ~~special~~[~~permit review~~] adjudicative proceedings, and in R305-7-305 for other proceedings.

(k) "Permit" means any of the following:

(i) a permit;

(ii) a plan;

(iii) a license;

(iv) an approval order; or

(v) another administrative authorization made by a [d]Director, including a financial assurance determination as defined by Section 19-1-301.5(1)(c).

(l)(i) "Permit order" means an order issued by the Director that:

(A) approves a permit;

(B) renews a permit;

(C) denies a permit;

(D) modifies or amends a permit; or

(E) revokes and reissues a permit.

(ii) "Permit order" does not include an order terminating a permit.

(m) "Permit review adjudicative proceeding" and "special adjudicative proceedings" and "permit special proceedings" mean[s] an adjudicative proceeding to resolve a challenge to a Permit Order including a financial assurance determination as defined by Section 19-1-301.5 (1)(c).

(n) "Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. "Person" also includes, as appropriate to the matter, other entities as provided in definitions in the statutes specified in the Department of Environmental Quality Code, Title 19, and in rules promulgated thereunder.

(o) "Rule" means this Rule R305-7, Administrative Procedures for the Department of Environmental Quality, unless otherwise specified.

(p) "UAPA" means the Utah Administrative Procedures Act, Utah Code Ann. Title 63G, Chapter 4.

(2)(a) Ordinarily, administrative proceedings under the Environmental Quality Code are decided by the Executive Director based on a proceeding conducted by and recommended decision prepared by an Administrative Law Judge. In the event governing law specifies that another person or entity conduct a proceeding in the place of an Administrative Law Judge, the term "Administrative Law Judge" shall mean the person or entity serving in that function. In the event governing law specifies that another person or entity make final determinations regarding dispositive actions, the term "Executive

Director" shall mean the person or entity who makes that final decision.

(b) Nothing in this provision R305-7-102(2) authorizes the appointment of a person or entity other than an administrative law judge to conduct an adjudicative proceeding. Nothing in this provision R305-7-102(2) authorizes the appointment of a person or entity other than the Executive Director to make a final determination regarding an adjudicative proceeding.

### **R305-7-103. Form of Submissions.**

(1) All submissions, whether on paper copy or electronic, shall use 8-1/2 by 11 inch pages, be double-spaced, with each page numbered, and have one inch margins and 12 point font. Paper copies of documents submitted under this Rule shall ordinarily be printed on white paper; double-sided printing is encouraged but not required.

(2) Requests for agency action, notices of agency action, petitions for review, and responses to requests for agency action, shall include numbered paragraphs.

(3) The first page of every filing shall contain a caption that gives the name and file number of the proceeding, the name of the ALJ if one has been appointed, and the filing date.

(4) ~~Requirements [Page limits]~~for motions and briefs for special adjudicative proceedings are specified in R305-7-211 and R305-7-2[3]13[2]. ~~Requirements for motions for other proceedings are specified in R305-7-312. [Page limits for briefs on the merits in a permit review adjudicative proceeding are specified in R305-7-213. Incorporation by reference of pages from other filings shall count toward a page limitation.]~~

### **R305-7-104. Filing and Service of Notices, Orders and Other Papers.**

(1) (a) Filing and service of all papers shall be made by email except as otherwise provided in this R305-7-104 and in R305-7-309(2)(b), R305-7-309(7)(b)(ii), and R305-7-313.

(b) In the event the ALJ determines that it is inappropriate in a specific case to file and serve all papers by email, the requirements of R305-7-104(4) will govern. Those requirements may be modified by the ALJ.

(c) The provisions of R305-7-104(2) will also apply regardless of whether filing and service are done by email (R305-7-104(3)) or by traditional service methods (R305-7-104(4)).

(d) A party seeking to have filing and service requirements governed by R305-7-104(4), such as a person who does not have access to email, shall file and serve that request as provided in R305-7-104(4). Once a request to proceed under R305-7-104(4) is filed and served, the provisions of that section shall apply to all future filing and service unless otherwise ordered by the ALJ.

(2) General Provisions Governing Filing and Service.

(a) Every submission shall be filed with:

(i) the ALJ or, if no ALJ has been appointed, the Director; and

(ii) the Administrative Proceedings Records Officer.

(b) In addition, every submission shall be served upon:

(i) the Director, if a submission is not filed with the Director under paragraph (2)(a)(i);

(ii) the assistant attorney general representing the Director;

(iii) the permittee or the person who was the recipient of the Permit Order, or other order or notice of violation being challenged;



(iv) any other party.

(c) A person, other than the Director, who is represented by an attorney or other representative, as provided in R305-7-106, shall be served through the attorney or other representative.

(d) Every submission shall include a certificate of service that shows the date and manner of filing with and service on the persons identified in R305-7-104(2)(a) and (b).

(e) Service on a regulated person at the person's last known address in the agency's file shall be deemed to be service on that person.

(3) Provisions governing electronic filing and service.

(a) A submission shall be filed with the Administrative Proceedings Records Officer by emailing it to DEQAPRO@utah.gov.

(b) Filing or service on all other parties shall be by email at addresses provided by those persons. If the person filing or serving the submission is unable, after due diligence, to determine an email address for a party, the person shall file or provide service by traditional means, as provided in R305-7-104(4).

(c) (i) A text document served by email shall be submitted as a searchable PDF document.

(ii) A person filing a submission may electronically file and serve a document without a signature if the person indicates that the document was signed (e.g., "signed by (name)" or "/s/ (name)") and keeps the original on file to be provided if requested by the ALJ.

(d) The ALJ may order any other submission to be provided in a searchable format.

(e) Large emails (5 Mb or more) may not be accepted by some email systems. It shall be the responsibility of a person sending a large email to ensure that it has been received by all parties, e.g., by telephoning or by sending a separate notification email and requesting a response.

(f) Photographic or other illustration documents filed and served by email shall be submitted as:

- (i) a PDF document; or
- (ii) a JPEG document.

(g) Documents that are difficult to file and serve by email because of their size or form may be filed and served on a CD, DVD, USB flash drive or other commonly used digital storage medium. A document may also be provided in paper form if it is impracticable to copy the document electronically. Filing and service of such documents shall be as provided in R305-7-104(4).

(h) A party shall provide a paper copy of any document, including signed documents, upon request by the ALJ.

(4) Provisions governing traditional filing and service.

(a) Filing and service shall be made:

- (i) by United States mail, postage pre-paid;
- (ii) by hand-delivery;
- (iii) by overnight courier delivery; or
- (iv) by the Utah State Building Mail system, if the sender and receiver are both state employees.

(b) Documents to be filed with or served on the Director shall be filed and served at the address specified in Part 6.

(c) Documents to be filed with the Administrative Proceedings Records Officer shall be submitted to one of these addresses:

(i) By U.S. Mail: Administrative Proceedings Records Officer, Environment Division, Utah Attorney General's Office, PO Box 140873, Salt Lake City Utah 84114-0873; or

(ii) By hand or commercial delivery: Administrative Proceedings Records Officer, Environment Division, Utah Attorney General's Office, 195 North 1950 West, Second Floor, Salt Lake City Utah 84116.

(d) (i) Except as provided in R305-7-104(5)(b), a document that is filed or served by U.S. Mail or overnight delivery service shall be considered filed or served on the date it is mailed or provided to the overnight delivery service. A document that is filed or served by Utah State Building Mail shall be considered filed or served on the date it is placed in a Utah State Building Mail bin.

(5)(a) A paper, signed original of any Request for Agency Action, Petition for Review, Notice of Agency Action or Petition to Intervene shall be filed and served as provided in R305-7-104(2) and (4).

(b) To be timely, a Request for Agency Action, Petition for Review, or a Petition to Intervene must be received by the Director and the Administrative Proceedings Records Officer as provided in:

(i) R305-7-203(5) and R305-7-205 (for a Petition for Review, [~~request for agency action~~]filed and served in a special[~~permit review~~] adjudicative proceeding);

(ii) R305-7-303(5) (for a request for agency action filed and served in a proceeding other than a special[~~permit review~~] adjudicative proceeding);

(iii) R305-7-204(2) and R305-7-205 (for a [~~p~~]Petition to [~~i~~]Intervene filed and served in a special[~~permit review~~] adjudicative proceeding); and

(iv) R305-7-304 (which incorporates the requirements of R305-7-204(2)) for a [~~p~~]Petition to [~~i~~]Intervene filed and served in a proceeding other than a special[~~permit review~~] adjudicative proceeding).

#### **R305-7-105. Computation and Extensions of Time.**

(1) A business day is any day other than a Saturday, Sunday or legal State of Utah holiday.

(2) As provided in R305-7-102, "days" means calendar days unless otherwise specified.

(3) Computing time.

(a) If a period is in calendar days:

- (i) exclude the day of the event that triggers the period;
- (ii) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(iii) include the last day of the period, but if the last day is a Saturday, Sunday, or legal State of Utah holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal State of Utah holiday.

(b) If a period is in business days:

- (i) exclude the day of the event that triggers the period; and
- (ii) count every business day.

(c) If a document is not filed or served by email, any time for responding to the document shall be extended by three business days. This provision does not apply to a Request for Agency Action, Petition for Review or a Petition to Intervene. See R305-7-104(5).

(4) Date of issuance.

The date of issuance of a Permit Order, a Notice of Agency Action or other order is the date the document is signed and dated.

(5) Extensions of Time.

(a) To the extent permitted by Section 19-1-301.5, t[~~F~~]he ALJ may approve extensions of any time limits established by this

rule, and may extend time limits adopted in schedules established under R305-7-308. See Section 19-1-301.5(8).

(b) To the extent permitted by Section 19-1-301.5, the ALJ may postpone a deadline or, as applicable, a scheduled conference, oral argument or hearing, upon motion from the parties, or upon the ALJ's own motion. See Section 19-1-301.5(8).

(c) Notwithstanding any other provision in this section, R305-7-108(2) governs the ALJ's authority to extend time to file a Request for Agency Action, Petition for Review, or Petition to Intervene. See also the provisions cited in R305-7-108(2).

#### **R305-7-106. Appearances and Representation.**

(1) A party may be represented:

(a) by an individual if the individual is the party; or

(b) by a designated officer or other designated employee if the party is a person other than an individual.

(2) Any party may be represented by legal counsel. An attorney who is not currently a member in good standing of the Utah State Bar must present a written or oral motion for admission pro hac vice made by an active member in good standing of the Utah State Bar. Communication with and service on local counsel shall be deemed to be communication with and service on the party so represented.

#### **R305-7-107. Proceeding Conducted by Teleconference or Other Electronic Means.**

(1) All parties shall be present in person, or through an authorized representative (see R305-7-106), at an evidentiary hearing, if applicable.

(2) A party may participate in oral argument on a dispositive motion or oral argument on the merits of a special[~~permit review~~] adjudicative proceeding by teleconference or other electronic means if:

(a) all other parties stipulate to participation by teleconference or other electronic means; and

(b) the ALJ approves the stipulation.

(3) A party may participate in any other hearing or conference on a dispositive motion or a hearing on the merits of a permit review adjudicative proceeding by teleconference or other electronic means if all other parties stipulate to participation by teleconference or other electronic means.

#### **R305-7-108. Modifying Requirements of Rules.**

(1) Except as provided in R305-7-108(2), the requirements of this Rule may be modified by order of the ALJ for good cause, provided the modification is not inconsistent with applicable statutory provisions.

(2) The following requirements may not be modified:

(a) the requirements for timely filing a Petition for Review[~~Request for Agency Action~~] under R305-7-203(5) and 205 for a special[~~permit review~~] adjudicative proceeding;

(b) the requirements for timely filing a Request for Agency Action under R305-7-303(5) for a proceeding other than a special[~~permit review~~] adjudicative proceeding;

(c) the requirements for timely filing a Petition to Intervene under R305-7-204(2) and 205 for a special[~~permit review~~] adjudicative proceeding; and

(d) the requirements for timely filing a Petition to Intervene under R305-7-304 (which incorporates the requirements of R305-7-204(2)) for a proceeding other than a special[~~permit review~~] adjudicative proceeding.

#### **R305-7-109. Default.**

(1) The provision controlling default under UAPA, Section 63G-4-209, governs default under special[~~permit review~~] adjudicative proceedings as well as proceedings under UAPA, [~~-~~] including enforcement proceedings. However, a petitioner in a special adjudicative proceeding is not allowed to file a request for agency action. Instead, a petitioner in a special adjudicative proceeding must file a Petition for Review. Therefore, if a petitioner in a special adjudicative proceeding improperly files a request for agency action a respondent is not required to answer it. In addition, a respondent in a special adjudicative proceeding is not required to file a response to a Petition for Review under Section 63G-4-209(1)(c). However, a party in a special adjudicative proceeding who does not file a brief as required Section 19-1-301.5(8) may be held in default. See Section 19-1-301.5(10[9])(c).

(2) A default order shall include a statement of the grounds for default and shall be filed with the Administrative Proceedings Records Officer and shall be served on all parties.

(3) A defaulted party may seek to have the default set aside according to procedures set forth in the Utah Rules of Civil Procedure. A motion to set aside a default and any subsequent order shall be made to the ALJ.

#### **R305-7-110. Limitation on Authority under Rule.**

Nothing in this Rule constitutes a grant of authority for any person other than the recipient to challenge a Notice of Violation or to initiate an action to challenge or require the agency's enforcement either generally or in a specific situation. See UAPA, Sections 63G-4-102(8) and 63G-4-201(3).

#### **R305-7-111. No Limitation on Authority to Bring Action.**

(1) Nothing in this Rule shall be read as a limitation either of the agency's statutory authority to bring an emergency proceeding or a judicial proceeding under UAPA, Section 63G-4-502, under the Department of Environmental Quality Code, Utah Code Ann. Title 19. It shall also not be read as a limitation on the procedures the agency may use for an emergency proceeding under those authorities.

(2) Failure in this Rule to provide administrative procedures for an administrative action that is authorized by statute shall not be read as a limitation of the agency's authority to bring that action.

#### **R305-7-112. Procedures Not Addressed.**

In the event there are authorities or situations for which procedures are not prescribed by these rules, the ALJ shall, for a specific case, identify analogous procedures or other procedures that will apply. If the proceeding is conducted under the authority of Section 19-1-301, it shall be conducted formally under UAPA.

#### **R305-7-113. Applicability of UAPA.**

(1) Special[~~Permit review~~] adjudicative proceedings are exempt from UAPA except as specifically provided in Section 19-1-301.5. See Section 19-1-301.5(3).

(2) With respect to all other orders:

(a) Initial Orders and Notices of Violation issued by the Director are exempt from the requirements of UAPA, as provided in Section 63G-4-102(2)(k).

(b) A proceeding to challenge an Initial Order or a Notice of Violation is subject to the requirements of UAPA.

(3) Neither UAPA nor this Rule applies to requests for government records or requests for confidentiality of government records. Those matters are governed by the Utah Government Records Access and Management Act, Sections 63G-2-101 through 901, and by Section 19-1-306.

**R305-7-200. Retrospective Construction and Interpretation.**

(1) SB 282 and SB 173 (Gen. Session 2015) modified Section 19-1-301.5 permit review adjudicative procedures effective May 12, 2015. Because the revisions are procedural, they shall be accorded retrospective construction in the sense that they will be applied to pending actions and proceedings, as well as to future actions but will not be so applied as to defeat procedural steps completed before the effective date of May 12, 2015.

**R305-7-201. Scope of Rule; Purpose of Part.**

Part 2 of this Rule (R305-7-201 through 217) specifies procedures to be used in a special[permit review] adjudicative proceeding, as authorized under Section 19-1-301.5.

**R305-7-202. Notice and Comment and Exhaustion of Remedies.**

(1) As provided in 19-1-301.5(4), if a public comment period is provided during the permit application process, a person who challenges a Permit Order, including the permit applicant, may only raise an issue or argument during the special[permit review] adjudicative proceeding that:

(a) the person raised during the public comment period; and

(b) was supported with sufficient information or documentation to enable the Director to fully consider the substance and significance of the issue.

(2) Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the Administrative Record in the same proceeding, or consist of state or federal statutes, regulations or rules, EPA documents of general applicability, or other generally available reference materials.

(3) The relevance of and the relevant portions of any supporting materials included with or incorporated by reference in comments shall be described with reasonable specificity.

(4) In preparing a comment response document, the Director may request that the permit applicant provide information in response to comments received during the public comment period.

**R305-7-203. Petitions for Review[Requests for Agency Action].**

(1) Permit orders may be contested by filing and serving a written Petition for Review[Request for Agency Action] as provided in R305-7-104(5).

(2) Any Petition for Review[Request for Agency Action] shall meet all of the requirements of UAPA, Section 63G-4-201(3)(a) and (3)(b), and the requirements of Section 19-1-301.5. See Section 19-1-301.5(6)(d).

(3) A Petition for Review[Request for Agency Action] shall be in writing, shall be signed by the person making the Petition for Review[Request for Agency Action], or by that person's representative, and shall include:

(a) the names and addresses of all persons to whom a copy of the Petition for Review[request for agency action] is being sent;

(b) the Director's[agency's] file number or other reference number, if known;

(c) the date that the Petition for Review[request for agency action] was mailed;

(d) a statement of the legal authority and jurisdiction under which review is[agency action is] requested;

(e) a statement of petitioner's position, including as applicable:[the relief or action sought from the agency; and]

(i) the legal authority under which the Petition for Review is requested;

(ii) the legal authority under which the Executive Director has jurisdiction to review the Petition for Review;

(iii) each of the petitioner's arguments in support of the petitioner's requested relief;

(iv) an explanation of how each argument described in Section 19-1-301.5(6)(d)(v)(D) was preserved;

(v) a detailed description of any permit condition to which the petitioner is objecting;

(vi) any modification or addition to a permit that the petitioner is requesting;

(vii) a demonstration that the Director's permit decision is based on a finding of fact or conclusion of law that is clearly erroneous;

(viii) if the Director addressed a finding of fact or conclusion of law described in Section 19-1-301.5(6)(d)(v)(G) in a response to public comment, a citation to the comment and response that relates to the finding of fact or conclusion of law and an explanation of why the Director's response was clearly erroneous or otherwise warrants review; and

(ix) a claim for relief.

[~~(f) a statement of the facts and reasons forming the basis for relief or agency action.~~

~~(g) the requestor's name, address and email address, if any; and~~

~~(h) a statement demonstrating that the person filing the Request for Agency Action has met the requirements of Section 19-1-301.5(4), which requires that person to have raised the issues or arguments in the Request for Agency Action during any public comment period, and to have provided sufficient information or documentation to enable the director to fully consider the substance and significance of the issues or arguments raised.~~

(4) It is not sufficient under Section 63G-4-201(3) to file and serve a general statement of disagreement, a reservation of rights to serve a Petition for Review[request for agency action], or a request to have the matter heard.

(5) To be timely, a Petition for Review[Request for Agency Action] to contest a Permit Order shall be, within 30 days of the date the Permit Order being challenged was issued:

(a) received for filing by the Administrative Proceedings Records Officer at the address specified in R305-7-104(4)(c) of this Rule;

(b) received by the Director at the address specified in Part 6; and

(c) served as provided in R305-7-104(2), (4) and (5).

(6) Failure to file a Petition for Review[Request for Agency Action] within the period specified in R305-7-104(5) waives any right to contest the permit order or to seek judicial review.

**R305-7-204. Intervention.**

(1) A person who seeks to intervene in a special[permit review] adjudicative proceeding under this section shall file and serve:

- (a) a ~~[p]~~Petition to ~~[i]~~Intervene that:
- (i) meets the requirements of Section 63G-4-207(1); and
  - (ii) demonstrates that the person is entitled to intervention under Section 19-1-301.5(7)(c)(ii); and
- (b) a timely Petition for Review~~[request for agency action]~~.
- (2) To be timely, a Petition to Intervene shall, within 30 days after the day on which the Permit Order being challenged was issued, be:
- (a) received by the Administrative Proceedings Records Officer at the address specified in R305-7-104(4)(c) of this Rule;
  - (b) received by the Director at the address specified in Part 6;
  - (c) served on all other parties as provided in R305-7-104(4).

**R305-7-205. Extensions of Time for Filing Petitions for Review~~[Requests for Agency Action]~~ and Petitions to Intervene.**

The time for filing a Petition for Review~~[Request for Agency Action]~~ or a Petition to Intervene may be extended only by stipulation of the parties and only if such stipulation is received for filing before the expiration of the time for filing the Petition for Review~~[Request for Agency Action]~~ or Petition to Intervene.

**R305-7-206. Proceedings After a Petition for Review~~[Request for Agency Action]~~ is Filed.**

(1) After a Petition for Review~~[Request for Agency Action]~~ has been filed, the parties are encouraged to meet to attempt to resolve the matter.

(2)(a) Any party may at any time file a request for appointment of an ALJ. An ALJ will not ordinarily be appointed until requested by a party, although the Executive Director may appoint an ALJ at any time.

(b) A request for appointment of an ALJ shall be filed as provided in R305-7-104(2)(a), and served as provided in R305-7-104(2)(b).

(3) After an ALJ is appointed, the ALJ shall review and respond to the Petition for Review~~[request for agency action]~~ in accordance with Subsections 63G-4-201(3)(d) and (e).

(4) Unless the parties stipulate or the ALJ orders otherwise following a motion~~[ordered by the ALJ]~~, the Director shall file and serve the Administrative Record, as provided in R305-7-209, within 40 days after the day on which the Executive Director issues a notice of appointment of an administrative law judge~~[service of the Notice of Further Proceedings]~~.

(5) The schedule and page limits for briefing on the merits specified in Subsection 19-1-301.5(8)(a) shall apply except as otherwise stipulated by the parties and coordinated with the ALJ in accordance with R305-7-208(6).~~[Any dispositive motion shall be filed within 15 days after service of the Administrative Record.]~~

(6) Dispositive Motions. The schedule for submission of dispositive motions specified in Subsection 19-1-301.5(8)(a) shall apply unless otherwise stipulated by the parties. However, without stipulation or order, dispositive motions may be submitted in advance of the schedule specified in Subsection 19-1-301.5(8)(a). Any issue or argument that could be raised in a dispositive motion is not waived by failure to file such a motion, but may be raised during the briefing on the merits. See R305-7-212.

(7) Subsection 19-1-301.5(13) is explained as follows. For each issue or argument that is not dismissed or otherwise resolved under Subsection 19-1-301.5(11)(b) or (12), the ALJ shall:

- (a) provide the parties an opportunity for briefing and oral argument in accordance with Subsection 19-1-301.5(8);
- (b) conduct a review of the Director's order or determination, based on the record as described in Subsection 19-1-301.5(9)(b)(c), and (10)(e); and
- (c) within 60 days after the day on which oral argument takes place, or, if there is no oral argument, within 60 days after the day on which the reply brief is due, the ALJ shall submit to the Executive Director a proposed dispositive action, that includes:
  - (i) written findings of fact;
  - (ii) written conclusions of law; and
  - (iii) a recommended order.

**R305-7-207. Parties.**

(1) The following are parties to a special~~[permit review]~~ adjudicative proceeding:

(a) the Director who issued the Permit Order being challenged in the special~~[permit review]~~ adjudicative proceeding;

(b)(i) the permittee; or

(ii) the person who applied for the permit, if the permit was denied; and

(c) a person granted intervention by the ALJ.

(2) A person who has filed a Petition to Intervene that has not been denied is not a party, but will be treated as a party for purposes of this Rule (e.g., for purposes of service, making motions and settlement) unless otherwise ordered by the ALJ.

**R305-7-208. Conferences, Proceedings and Order.**

(1) The ALJ may hold one or more conferences for the purposes of:

(a) identifying and, if possible, narrowing the issues that will be considered;

(b) determining whether an issue will be considered through a dispositive motion or during the briefing on the merits;

(c) establishing schedules for the filing of motions and briefs;

(d) considering stipulations of fact or law; and

(e) considering any other matters.

(2) The ALJ shall promptly issue an order memorializing any determinations made about the matters considered in a conference.

(3) The ALJ may at any time order a party to make a more clear statement of the issues the party intends to raise.

(4) The ALJ may:

(a) require the parties to submit proposed schedules for the proceeding; and

(b) to the extent allowed by Section 19-1-301.5 and R305-7-208(6), change deadlines and page limits for submissions established by this Rule.

(5) The parties may request the ALJ hold a conference for the purpose of addressing the matters described in R305-7-208(1).

(6) Stipulated Scheduling Orders. The ALJ shall issue scheduling orders following Section 19-1-301.5 for the administrative record, briefing and page limits, and dispositive motions that shall apply unless the parties file stipulations for alternative scheduling and page limitations. The ALJ shall promptly adopt such timely filed stipulations in applicable scheduling orders unless the ALJ is not available on the stipulated hearing date or questions the necessity of the stipulated brief lengths.

(a) Stipulated Hearing Date. If the ALJ is not available on the stipulated hearing date, the ALJ shall confer with the parties to determine a mutually acceptable date and shall specify the mutually acceptable date in applicable scheduling orders.

(b) Stipulated Over-Length Briefs. If the ALJ questions the necessity of the stipulated over-length briefs, the ALJ may require the parties to state with specificity the issues to be briefed, the number of additional pages requested, and the good cause for allowing over-length briefs. The ALJ may promptly refuse to adopt or may promptly modify through order the parties' stipulation for over-length briefs if the parties fail to show good cause.

#### **R305-7-209. Administrative Record.**

(1) To the extent they relate to the issues and arguments raised in the Petition for Review~~[Request for Agency Action]~~, the Administrative Record shall consist of the following items, if they exist:

- (a) the permit application, draft permit, and final permit;
- (b) each statement of basis, fact sheet, engineering review, or other substantive explanation designated by the Director as part of the basis for the decision relating to the Permit Order;
- (c) the notice and record of each public comment period;
- (d) the notice and record of each public hearing, including oral comments made during the public hearing;
- (e) written comments submitted during the public comment period;
- (f) responses to comments that are designated by the Director as part of the basis for the decision relating to the Permit Order;
- (g) any information that is:
  - (i) requested by and submitted to the Director; and
  - (ii) designated by the Director as part of the basis for the decision relating to the Permit Order;
- (h) any additional information specified by rule;
- (i) any additional documents agreed to by the parties; and
- (j) information supplementing the record under Section 19-1-301.5(8)(c) or R305-7-210.

(2) If there has been no notice and comment period for a Permit Order, information that is submitted with the Petition for Review~~[request for agency action]~~ shall be deemed to be part of the Administrative Record as shall information submitted in any response to the Petition for Review~~[request for agency action]~~.

(3)(a) The Director shall prepare the record by compiling it in chronological order, numbering each page and preparing an index.

(b) The Director shall, within 40 days of service of the Notice of Appointment, ~~[of Further Proceedings,]~~ or as otherwise provided in R305-7-206~~[ordered by the ALJ]~~[:];

- (i) file and serve an electronic copy of the record in accordance with the requirements of R305-7-104; or
- (ii) make a paper copy of the record available for review during normal working hours, and file and serve a copy of the record's index as provided in R305-7-104.

(4) Any challenges to the Administrative Record shall be made by motion within 10 business days of the date the record or index is served under paragraph (3)(b).

#### **R305-7-210. Response to Supplemental Information.**

If the Administrative Record is supplemented with additional information as described in R305-7-209(1)(i) or (j), the

other parties may, in response, serve and file additional information specific to the supplemental information, which shall also be part of the Administrative Record. The additional information may not raise any new matters not raised in the supplemental information.

#### **R305-7-211. Motions.**

(1) A motion shall be made in writing, and shall include the grounds upon which it is based and the relief or order sought. A separate memorandum in support of the motion is not required.

(2) Any response to a motion shall be filed within 21 days of service of the motion.

(3) Any reply to a response to a motion may be filed within 10 days of service of the response. A reply shall be limited to matters raised in the response.

(4) A motion may not exceed 20 pages. If a separate memorandum in support of a motion is filed, the motion and memorandum together shall not exceed 20 pages. A response may not exceed 15 pages. A reply may not exceed ten pages.

(5) Deadlines and page limits may be modified by order of the ALJ.

(6) Any determination by the ALJ that is dispositive shall be forwarded to the Executive Director in the form of a recommended decision.

(7) See also R305-7-206(6) and R305-7-212 regarding issues and arguments not raised by motion.

#### **R305-7-212. Challenges to a Petition to Intervene or to Failure to Preserve an Issue.**

(1) A challenge to a Petition to Intervene under Section 19-1-301.5(7) or to a party's failure to preserve an issue under Section 19-1-301.5(4) and (6)(c) may be made by motion or may be made in the parties' briefs on the merits.

(2) If a challenge under paragraph (1) relies on a significant portion of the evidence or arguments that must be considered to make a determination on the merits, the party making the challenge under paragraph (1) is encouraged to do so in the brief on the merits.

(3) The ALJ may defer ruling on a motion under paragraph (1) until the ALJ makes a decision on the merits of the case if the ALJ finds that the motion relies on a significant portion of the evidence or arguments that must be considered to make a determination on the merits.

#### **R305-7-213. Procedures for Determination on the Merits.**

(1) Requirements for briefs on the merits in a special adjudicative proceeding are as follows:

(a) The schedule and page limits specified in Section 19-1-301.5(8)(a) shall apply except as otherwise stipulated by the parties and ordered by the ALJ in accordance with R305-7-208;

(b) Any page incorporated by reference from the administrative or adjudicative record shall count toward a page limitation;

(c) The table of contents, table of citations, and any addendum containing statutes, rules, regulations or portions of the administrative record cited do not count toward the page limitation;

(d) All statements of fact shall be supported by references to the pages in the administrative record in which the evidence is identified;

(e) Matters addressed in the petition but not in the opening brief shall be waived;

(f) Matters not addressed in the petition may not be raised in the opening brief.

~~[(1) Briefs on the merits shall be filed according to a schedule and with page limits established by the ALJ. In the absence of an order otherwise specifying deadlines:~~

~~(a) The Petitioner shall file and serve an Opening Brief of no more than 30 pages within 30 days after the Director serves the record or, if a dispositive motion is filed, within 30 days of the ALJ's determination on, or deferral of, the motion; and~~

~~(b) A responsive brief of no more than 30 pages shall be filed and served within 30 days after the Petitioner's brief is served.~~

~~(c) A reply brief of no more than 15 pages may be filed and served within 15 days after the responsive brief is served.~~

~~(d) If a reply brief is filed, a surreply brief of no more than five pages may be filed and served within five business days after the reply brief is served.~~

]  
(2) A reply or a surreply brief may not raise any issue that was not raised in the responsive brief or the reply, respectively.

(3) Briefs must be concise, presented with accuracy, logically arranged with proper headings and free from burdensome, irrelevant, or immaterial matters. A brief not meeting these criteria may fail to meet that party's burden of persuasion.

(4) In cases involving more than one petitioner or respondent, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

(5)[(3)] The ALJ shall provide an opportunity for oral argument. Oral argument shall, at a minimum, be recorded at the agency's expense using audio recording devices. The agency may elect instead to use a court reporter. If the agency does not elect to use a court reporter, any participant may request that the agency use a court reporter for the oral argument, which request shall be granted by the ALJ provided the requesting person agrees to bear the cost associated with the request. Any such request shall be submitted to the ALJ at least 10 business days before the scheduled oral argument.

(6)[(4)] The parties may submit comments on the ALJ's recommended decision to the Executive Director. Comments shall not exceed 15 pages, and shall be submitted within ten business days of the service of the recommended decision. A party may file a response to another party's comments, not to exceed five pages, within five business days of the date of the service of the comments.

**R305-7-214. Review and Determinations.**

(1) The procedures and standards for resolving a permit review challenge are specified in Section 19-1-301.5; see in particular paragraphs ~~(2)[8]~~ through ~~(15)[3]~~.

(2) The standard of review for the Director's factual, technical, and scientific determinations specified in Section 19-1-301.5(14)(b) and (15)(c)(ii) is explained as follows:

(a) The petitioner has the burden of proof;

(b) Marshaling the evidence is a natural extension of the petitioner's burden of proof;

(c) For each factual, technical, and scientific determination challenged by petitioner, the petitioner is required to marshal and acknowledge the evidence in the record that supports the Director's determination. Such determination shall be overturned as clearly erroneous only if the petitioner has proven, after marshaling, that the

Director's determination is not supported. See Subsections 19-1-301.5(6)(d)(v)(G) and (H) and 19-1-301.5(14); and

(d) If the petitioner fails to marshal, there is a presumption that the Director's factual, technical, and scientific determination is not clearly erroneous.

(3) The standard of review for non-factual determinations provided in Section 19-1-301.5(15)(c)(i) recognizes that the Director has been granted substantial discretion to interpret the division's governing statutes and rules.

**R305-7-215. Interlocutory Orders.**

(1) Interlocutory review (review by the Executive Director before a final recommendation made by the ALJ) is not favored. Ordinarily, a party may challenge an order issued by the ALJ only after the ALJ has made a final recommended decision.

(2) A party may file, in accordance with R307-7-104, a motion for interlocutory review of a non-final ALJ order only if a ruling that is alleged to be in error could not be corrected through a challenge to the final recommended decision (e.g., a ruling denying privileged status to records), or where early resolution of a material issue may materially advance the termination of the proceeding.

(3) The Executive Director's determination to consider a motion for an interlocutory review is discretionary.

**R305-7-216. Settlement.**

The parties may agree to settle all or any portion of an action at any time during an administrative proceeding through a settlement agreement, an administrative settlement order, or a proposed judicial consent decree. Upon notice by the Director that there is a proposed settlement that will be subject to a public comment period, the ALJ shall suspend the administrative proceeding, in whole or in part, until notified by the Director or another party that the suspension should be lifted. The ALJ may order an update on the status of the settlement.

**R305-7-217. Stays.**

The procedure and standard for obtaining a stay is specified in Section 19-1-301.5(15).

.....

**R305-7-601. Purpose of Part.**

(1) Part 6 of this Rule (R305-7-601 through 623) provides definitions and other provisions that will govern the way the procedures specified in Parts 2 through 5 of this Rule will apply to adjudicative procedures brought under specific statutes.

(2) For all statutes, Parts 1, 2 and 6 of this Rule apply to a proceeding to challenge a Permit Order.

(3) For all statutes, Parts 1, 3 and 6 of this Rule apply to a proceeding to challenge a Notice of Violation or other Initial Order.

**R305-7-602. Addresses for Filing.**

(1) Documents submitted to the Executive Director of the Department of Environmental Quality shall be sent to:

Executive Director  
Department of Environmental Quality  
P.O. Box 144810  
Salt Lake City, Utah 84114-4810

Alternatively, these documents may be delivered by courier or hand delivery to:

Executive Director  
Department of Environmental Quality  
195 North 1950 West, 4th Floor  
Salt Lake City, Utah 84116-3097

(2) Documents submitted to the Director of the Division of Air Quality shall be sent to:  
Director, Division of Air Quality  
P.O. Box 144820  
Salt Lake City, Utah 84114-4820  
Alternatively, these documents may be delivered by courier or hand delivery to:

Director, Division of Air Quality  
195 North 1950 West, 4th Floor  
Salt Lake City, Utah 84116-3097

(3) Documents submitted to the Director of the Division of Drinking Water shall be sent to:  
Director, Division of Drinking Water  
P.O. Box 144830  
Salt Lake City, Utah 84114-4830  
Alternatively, these documents may be delivered by courier or hand delivery to:

Director, Division of Drinking Water  
195 North 1950 West, 3rd Floor  
Salt Lake City, Utah 84116-3097

(4) Documents submitted to the Director of the Division of Waste Management and Radiation Control shall be sent to:  
Director, Division of Waste Management and Radiation Control  
P.O. Box 14488[5]0  
Salt Lake City, Utah 84114-488[5]0  
Alternatively, these documents may be delivered by courier or hand delivery to:

Director, Division of Waste Management and Radiation Control  
195 North 1950 West, ~~2nd~~[3rd] Floor  
Salt Lake City, Utah 84116-3097

~~(5) Documents submitted to the Director of the Division of Solid and Hazardous Waste shall be sent to:  
Director, Division of Solid and Hazardous Waste  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880  
Alternatively, these documents may be delivered by courier or hand delivery to:~~

~~Director, Division of Solid and Hazardous Waste  
195 North 1950 West, 2nd Floor  
Salt Lake City, Utah 84116-3097~~

(6)[5] Documents submitted to the Director of the Division of Environmental Response and Remediation shall be sent to:  
Director, Division of Environmental Response and Remediation

P.O. Box 144840  
Salt Lake City, Utah 84114-4840  
Alternatively, these documents may be delivered by courier or hand delivery to:

Director, Division of Environmental Response and Remediation  
195 North 1950 West, 1st Floor  
Salt Lake City, Utah 84116-3097

~~(7)[6]~~ Documents submitted to the Director of the Division of Water Quality shall be sent to:  
Director, Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Alternatively, these documents may be delivered by courier or hand delivery to:  
Director  
Division of Water Quality  
195 North 1950 West, 3rd Floor  
Salt Lake City, Utah 84116-3097

.....

**KEY: administrative procedures, adjudicative procedures, hearings**  
**Date of Enactment or Last Substantive Amendment: [~~January 31, 2013~~]2015**  
**Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-1-301.5; 63G-4-102; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-205; 63G-4-503**

---

## Environmental Quality, Air Quality R307-101-2 Definitions

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE NO.: 39751  
FILED: 09/15/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The definitions of "air contaminant" and "air contaminant source" were removed from the rules. The terms "air pollutant" and "air pollutant source" were added and defined. The definitions of "air pollution" and "ambient air" were also amended.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**  
♦ **THE STATE BUDGET:** Certain definitions in the rule have changed, but the changes are meant to provide clarity to the public and create consistency across federal laws, state laws, and state rules. They are not meant to create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.

◆ LOCAL GOVERNMENTS: Certain definitions in the rule have changed, but the changes are meant to provide clarity to the public and create consistency across federal laws, state laws, and state rules. They are not meant to create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.

◆ SMALL BUSINESSES: Certain definitions in the rule have changed, but the changes are meant to provide clarity to the public and create consistency across federal laws, state laws, and state rules. They are not meant to create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Certain definitions in the rule have changed, but the changes are meant to provide clarity to the public and create consistency across federal laws, state laws, and state rules. They are not meant to create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Certain definitions in the rule have changed, but the changes are meant to provide clarity to the public and create consistency across federal laws, state laws, and state rules. They are not meant to create additional obligations for regulated entities. There are no additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Certain definitions in the rule have changed, but the changes are meant to provide clarity to the public and create consistency across federal laws, state laws, and state rules. The amendments are not meant to create additional obligations for regulated entities. Therefore, there is no fiscal impact on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015

AUTHORIZED BY: Bryce Bird, Director

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

### **R307-101. General Requirements.**

#### **R307-101-2. Definitions.**

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

~~["Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).~~

~~"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).~~

~~]"Air pollutant" means a substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602.~~

~~"Air Pollutant Source" means private and public sources of emissions of air pollutants.~~

"Air Pollution" means the presence ~~[in the ambient air of one or more air contaminants]~~ of an air pollutant in the ambient air in such quantities and duration and under conditions and circumstances, ~~[as is or tends to be]~~ that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).



"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means ~~[the surrounding or outside air]~~ that portion of the atmosphere, external to buildings, to which the general public has access. (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(8)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its

"Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Condensable PM2.5" means material that is vapor phase at stack conditions, but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air ~~[contaminant]~~ pollutant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Section 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is

also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air ~~[contaminant]~~pollutant or an effluent which contains or may contain an air ~~[contaminant]~~pollutant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air ~~[contaminant]~~pollutant which has been emitted by the source operation, equipment, or control apparatus;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air ~~[contaminant]~~pollutant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Filterable PM<sub>2.5</sub>" means particles with an aerodynamic diameter equal to or less than 2.5 micrometers that are directly emitted by a source as a solid or liquid at stack or release conditions and can be captured on the filter of a stack test train.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

- (i) Salt Lake County, effective August 18, 1997; and
- (ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

- (i) Salt Lake City, effective March 22, 1999;
- (ii) Ogden City, effective May 8, 2001; and
- (iii) Provo City, effective January 3, 2006.

(c) The following areas are considered maintenance areas for PM<sub>10</sub>:

(i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and

(ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and

(iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005.

(d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

(1) routine maintenance, repair and replacement;

(2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.

(b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

(c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM2.5 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM2.5, and has been identified in the applicable implementation plan for PM2.5 as significant for the purpose of developing control measures. Specifically, PM2.5 precursors include SO<sub>2</sub>, NO<sub>x</sub>, and VOC.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further

Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Primary PM<sub>2.5</sub>" means the sum of filterable PM<sub>2.5</sub> and condensable PM<sub>2.5</sub>.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NO<sub>x</sub> burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(2) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the director shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Secondary PM2.5" means particles that form or grow in mass through chemical reactions in the ambient air well after dilution and condensation have occurred. Secondary PM2.5 is usually formed at some distance downwind from the source.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

PM2.5: 10 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air [contaminant]pollutant equal to a threshold limit value - ceiling (TLV-C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

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

**Environmental Quality, Air Quality**  
**R307-102-1**  
**Air Pollution Prohibited; Periodic**  
**Reports Required**

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE NO.: 39750  
 FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminants" was replaced with "pollutants" in subsection (1) and (2) of the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create

additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**AUTHORIZED BY:** Bryce Bird, Director

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

**R307-102. General Requirements: Broadly Applicable Requirements.**

**R307-102-1. Air Pollution Prohibited; Periodic Reports Required.**

(1) Emission of air [~~contaminants~~]pollutants in sufficient quantities to cause air pollution as defined in R307-101-2 is prohibited. The State statute provides for penalties up to \$50,000/day for violation of State statutes, regulations, rules or standards (See Section 19-2-115 for further details).

(2) Periodic Reports and Availability of Information. The owner or operator of any stationary air [~~contaminant~~]pollutant source in Utah shall furnish to the director the periodic reports required under Section 19-2-104(1)(c) and any other information as the director may deem necessary to determine whether the source is in compliance with Utah and Federal regulations and standards. The information thus obtained will be correlated with applicable emission standards or limitations and will be available to the public during normal business hours at the Division of Air Quality.

**KEY: air pollution, confidentiality of information, variances**

**Date of Enactment or Last Substantive Amendment:** [~~November 8, 2012~~]**2015**

**Notice of Continuation:** February 6, 2013

**Authorizing, and Implemented or Interpreted Law:** 19-2-104; 19-2-113

**Environmental Quality, Air Quality**  
**R307-104**  
**Conflict of Interest**

**NOTICE OF PROPOSED RULE**  
 (New Rule)  
 DAR FILE NO.: 39740  
 FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the rule is to satisfy Section 128(a)(2) of the federal Clean Air Act.

**SUMMARY OF THE RULE OR CHANGE:** The rule incorporates by reference Section 67-16-7. This section of the Utah Code requires public employees to disclose conflicts of interest that may arise in regard to regulated entities.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-1011 and Section 19-2-104

**MATERIALS INCORPORATED BY REFERENCES:**  
 ♦ Adds Utah Code Section 67-16-7, published by Utah Legislative Research and General Council, 1989 General Session

**ANTICIPATED COST OR SAVINGS TO:**  
 ♦ **THE STATE BUDGET:** The rule places no obligations on anyone other than public employees with potential conflicts. Also, the rule is already part of the Utah State Code. Therefore, the state budget is not impacted by the rule.  
 ♦ **LOCAL GOVERNMENTS:** The rule places no obligations on anyone other than public employees with potential conflicts. Also, the rule is already part of the Utah State Code. Therefore, local government is not impacted by the rule.  
 ♦ **SMALL BUSINESSES:** The rule places no obligations on anyone other than public employees with potential conflicts. Also, the rule is already part of the Utah State Code. Therefore, small businesses are not affected by the rule.  
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule places no obligations on anyone other than public employees with potential conflicts. Also, the rule is already part of the Utah State Code. Therefore, other persons are not affected by the rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The rule places no obligations on anyone other than public employees with potential conflicts. Also, the rule is already part of the Utah State Code. Therefore, there will be no additional compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The rule places no obligations on anyone other than public

employees with potential conflicts. Also, the rule is already part of the Utah State Code. Therefore, the new rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**AUTHORIZED BY: Bryce Bird, Director**

---

**R307. Environmental Quality, Air Quality.**  
**R307-104. Conflict of Interest.**  
**R307-104-1. Conflict of Interest.**

For the purpose of meeting the conflict of interest provision required under 42 U.S.C. 7428 (a)(2), Utah Code 67-16-7, as amended by Chapter 147, 1989 General Session, is incorporated by reference.

**KEY: conflict of interest, Clean Air Act**  
**Date of Enactment or Last Substantive Amendment: 2015**  
**Authorizing, and Implemented or Interpreted Law: 19-1-201; 19-2-104**

---

**Environmental Quality, Air Quality**  
**R307-110-10**  
**Section IX. Control Measures for Area and Point Sources, Part A, Fine Particulate Matter**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 39733  
 FILED: 09/14/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to incorporate the newest version of Utah's State Implementation Plan (SIP) Section IX.A into the Utah Air Quality Rules.



**SUMMARY OF THE RULE OR CHANGE:** The rule incorporates the newest version of Utah's State Implementation Plan (SIP) Section IX.A. This includes the PM10 Maintenance Plan for Salt Lake County, Utah County, and Ogden City. The technical support documents will be available online by 10/01/2015. A link to the documents will be provided at <http://www.deq.utah.gov/NewsNotices/notices/air/Pubrule.htm>

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-101 and Section 19-2-104

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates Section IX. Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, published by Department of Environmental Quality, 09/09/2015

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are already attaining the standard, and this maintenance plan demonstrates that the areas will continue to attain the standard through the year 2030. Therefore, the state will incur no additional costs as a result of this change.
- ◆ **LOCAL GOVERNMENTS:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are already attaining the standard, and this maintenance plan demonstrates that the areas will continue to attain the standard through the year 2030. Therefore, local governments will incur no additional costs as a result of this change.
- ◆ **SMALL BUSINESSES:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are already attaining the standard, and this maintenance plan demonstrates that the areas will continue to attain the standard through the year 2030. Therefore, small businesses will incur no additional costs as a result of this change.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are already attaining the standard, and this maintenance plan demonstrates that the areas will continue to attain the standard through the year 2030. Therefore, other persons will not incur additional costs.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are already attaining the

standard, and this maintenance plan demonstrates that the areas will continue to attain the standard through the year 2030. Therefore, affected persons will incur no additional costs as a result of this change.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are already attaining the standard, and this maintenance plan demonstrates that the areas will continue to attain the standard through the year 2030. Therefore, the rule has no fiscal impact on businesses.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at [rstephens@utah.gov](mailto:rstephens@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**AUTHORIZED BY:** Bryce Bird, Director

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

**R307-110. General Requirements: State Implementation Plan.**

**R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on December [3]2, 201[4]5, 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:** [~~June 4,~~] 2015

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

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

**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.: 39735

FILED: 09/14/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to incorporate the newest version of Utah's State Implementation Plan (SIP) Section IX.H into the Utah Air Quality Rules.

**SUMMARY OF THE RULE OR CHANGE:** The rule incorporates the newest version of Utah's State Implementation Plan (SIP) Section IX.H. This includes the emission limits relevant to the PM10 Maintenance Plan for Salt Lake County, Utah County, and Ogden City. The technical support documents will be available online by 10/01/2015. A link to the documents will be available on the DEQ website at <http://www.deq.utah.gov/NewsNotices/notices/air/Pubrule.htm>

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-101 and Section 19-2-104

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates Utah SIP Section IX Control Measures for Area and Point Sources, Part H, Emissions Limits. , published by Department of Environmental Quality, 09/09/2015

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are attaining the standard, and this maintenance plan demonstrates that they will continue to be in attainment through the year 2030. Therefore, the state will incur no additional costs as a result of this rule.
- ◆ **LOCAL GOVERNMENTS:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are attaining the standard, and this maintenance plan demonstrates that they will continue to be in attainment through the year 2030. Therefore, local governments will incur no additional costs as a result of this rule.
- ◆ **SMALL BUSINESSES:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are attaining the standard, and this maintenance

plan demonstrates that they will continue to be in attainment through the year 2030. Therefore, small businesses will incur no additional costs as a result of this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are attaining the standard, and this maintenance plan demonstrates that they will continue to be in attainment through the year 2030. Therefore, other persons will not incur additional costs.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are attaining the standard, and this maintenance plan demonstrates that they will continue to be in attainment through the year 2030. Therefore, affected persons will incur no additional costs as a result of this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule does not impose any new air quality control measures. It provides a way for the state to be designated an attainment area for PM10. The areas affected are attaining the standard, and this maintenance plan demonstrates that they will continue to be in attainment through the year 2030. Therefore, the rule will not have any additional fiscal impact on businesses.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at [rstephens@utah.gov](mailto:rstephens@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**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 [~~June 3~~]December 2, 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:** [~~June 4,~~] 2015

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

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

## Environmental Quality, Air Quality R307-150 Emission Inventories

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39749

FILED: 09/15/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.

◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
AIR QUALITY  
FOURTH FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON:** 12/03/2015

**AUTHORIZED BY:** Bryce Bird, Director

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

##### **R307-150. Emission Inventories.**

##### **R307-150-1. Purpose and General Requirements.**

(1) The purpose of R307-150 is:  
(a) to establish by rule the time frame, pollutants, and information that sources must include in inventory submittals; and

(b) to establish consistent reporting requirements for stationary sources in Utah to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in R307-110-28.

(2) The requirements of R307-150 replace any annual inventory reporting requirements in approval orders or operating permits issued prior to December 4, 2003.

(3) Emission inventories shall be submitted on or before ninety days following the effective date of this rule and thereafter on or before April 15 of each year following the calendar year for which an inventory is required. The inventory shall be submitted in a format specified by the Division of Air Quality following consultation with each source.

(4) The executive secretary may require at any time a full or partial year inventory upon reasonable notice to affected sources when it is determined that the inventory is necessary to develop a state implementation plan, to assess whether there is a threat to public health or safety or the environment, or to determine whether the source is in compliance with R307.

## (5) Recordkeeping Requirements.

(a) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records under R307-150-4 shall be kept for ten years. Other records shall be kept for a period of at least five years from the due date of each inventory.

(b) The owner or operator of the stationary source shall make these records available for inspection by any representative of the Division of Air Quality during normal business hours.

**R307-150-2. Definitions.**

The following additional definitions apply to R307-150.

"Acute [~~Contaminant~~]pollutant" means any noncarcinogenic air [~~contaminant~~]pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Carcinogenic [~~Contaminant~~]pollutant" means any air [~~contaminant~~]pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Chronic [~~Contaminant~~]Pollutant" means any noncarcinogenic air [~~contaminant~~]pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Dioxins" and "Furans" mean total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

"Emissions unit" means emissions unit as defined in R307-415-3.

"Large Major Source" means a major source that emits or has the potential to emit 2500 tons or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the potential to emit 250 tons or more per year of PM10, PM2.5, volatile organic compounds, or ammonia.

"Lead" means elemental lead and the portion of its compounds measured as elemental lead.

"Major Source" means major source as defined in R307-415-3.

**R307-150-3. Applicability.**

(1) R307-150-4 applies to all stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in (a) below. Sources subject to R307-150-4 may be subject to other sections of R307-150.

(a) A stationary source that meets the requirements of R307-150-3(1) that has permanently ceased operation is exempt from the requirements of R307-150-4 for all years during which the source did not operate at any time during the year.

(b) Except as provided in (a) above, any source that meets the criteria of R307-150-3(1) and that emits less than 100 tons per year

of sulfur dioxide in any subsequent year shall remain subject to the requirements of R307-150-4 until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in R307-250-12(1)(a), whichever is earlier.

(2) R307-150-5 applies to large major sources.

(3) R307-150-6 applies to:

(a) each major source that is not a large major source;

(b) each source with the potential to emit 5 tons or more per year of lead; and

(c) each source not included in (2) or (3)(a) or (3)(b) above that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM10, or the potential to emit 10 tons or more per year of volatile organic compounds.

(4) R307-150-7 applies to Part 70 sources not included in (2) or (3) above.

**R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.**

(1) Annual Sulfur Dioxide Emission Report.

(a) Sources identified in R307-150-3(1) shall submit an annual inventory of sulfur dioxide emissions beginning with calendar year 2003 for all emissions units including fugitive emissions.

(b) The inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, type and efficiency of the air pollution control equipment, percent of sulfur content in fuel and how the percent is calculated, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Each source subject to R307-150-4 that is also subject to 40 CFR Part 75 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR Part 75 in lieu of the reporting requirements in (1) above.

(3) Changes in Emission Measurement Techniques. Each source subject to R307-150-4 that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under R307-150 or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report.

**R307-150-5. Sources Identified in R307-150-3(2), Large Major Source Inventory Requirements.**

(1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM10, PM2.5, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for all emissions units including fugitive emissions.

(2) For every third year beginning with 2005, the inventory shall also include all other chargeable pollutants and hazardous air pollutants not exempted in R307-150-8.

(3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific

emissions unit that is the source of the air pollution, composition of air [contaminant]pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

**R307-150-6. Sources Identified in R307-150-3(3).**

(1) Each source identified in R307-150-3(3) shall submit an inventory every third year beginning with calendar year 2002 for all emissions units including fugitive emissions.

(a) The inventory shall include PM10, PM2.5, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in R307-150-8.

(b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air [contaminant]pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Sources identified in R307-150-3(3) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall meet the requirements of R307-150-6(1)(a) and (b).

**R307-150-7. Sources Identified in R307-150-3(4), Other Part 70 Sources.**

(1) Sources identified in R307-150-3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions.

(2) Sources identified in R307-150-3(4) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.

(3) The emission inventory shall include individual pollutant totals of all chargeable pollutants not exempted in R307-150-8.

**R307-150-8. Exempted Hazardous Air Pollutants.**

(1) The following air pollutants are exempt from this rule if they are emitted in an amount less than that listed in Table 1.

TABLE 1

[CONTAMINANT] POLLUTANT	Pounds/year
Arsenic	0.21
Benzene	33.90
Beryllium	0.04
Ethylene oxide	38.23
Formaldehyde	5.83

(2) Hazardous air pollutants, except for dioxins or furans, are exempt from being reported if they are emitted in an amount less than the smaller of the following:

(a) 500 pounds per year; or

(b) for acute [contaminants]pollutants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the pounds-per-year threshold; or

(c) for chronic [contaminants]pollutants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or

(d) for carcinogenic [contaminants]pollutants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

**KEY: air pollution, reports, inventories**

**Date of Enactment or Last Substantive Amendment:** [September 4, 2008]2015

**Notice of Continuation:** January 28, 2014

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(c)

**Environmental Quality, Air Quality  
R307-201-3  
Visible Emissions Standards**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 39748

FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminants" was replaced with "pollutants" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.

♦ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015

AUTHORIZED BY: Bryce Bird, Director

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

**R307-201. Emission Standards: General Emission Standards.**

**R307-201-3. Visible Emissions Standards.**

(1) Visible emissions from installations constructed on or before April 25, 1971, except diesel engines, shall be of a shade or density no darker than 40% opacity, except as otherwise provided in these rules.

(2) Visible emissions from installations constructed after April 25, 1971, except diesel engines shall be of a shade or density no darker than 20% opacity, except as otherwise provided in these rules.

(3) Visible emissions for all incinerators, no matter when constructed, shall be of shade or density no darker than 20% opacity.

(4) No owner or operator of a gasoline powered engine or vehicle shall allow, cause or permit visible emissions.

(5) Emissions from diesel engines, except locomotives, manufactured after January 1, 1973, shall be of a shade or density no

darker than 20% opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding three minutes in any hour.

(6) Emissions from diesel engines manufactured before January 1, 1973, shall be of a shade or density no darker than 40% opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding three minutes in any hour.

(7) Visible emissions exceeding the opacity standards for short time periods as the result of initial warm-up, soot blowing, cleaning of grates, building of boiler fires, cooling, etc., caused by start-up or shutdown of a facility, installation or operation, or unavoidable combustion irregularities which do not exceed three minutes in length (unavoidable combustion irregularities which exceed three minutes in length must be handled in accordance with R307-107), shall not be deemed in violation provided that the director finds that adequate control technology has been applied. The owner or operator shall minimize visible and non-visible emissions during start-up or shutdown of a facility, installation, or operation through the use of adequate control technology and proper procedures.

(8) Compliance Method. Emissions shall be brought into compliance with these requirements by reduction of the total weight of [~~contaminants~~]pollutants discharged per unit of time rather than by dilution of emissions with clean air.

(9) Opacity Observation. Opacity observations of emissions from stationary sources shall be conducted in accordance with EPA Method 9. Opacity observers of mobile sources and intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15 second intervals over a 6-minute period shall not apply.

**KEY: air pollution, PM10**

**Date of Enactment or Last Substantive Amendment:** [September 2, 2005]2015

**Notice of Continuation:** February 5, 2015

**Authorizing, and Implemented or Interpreted Law:** 19-2-101; 19-2-104

**Environmental Quality, Air Quality**

**R307-206**

**Emission Standards: Abrasive Blasting**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39748

FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at [rstephens@utah.gov](mailto:rstephens@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015

AUTHORIZED BY: Bryce Bird, Director

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

#### **R307-206. Emission Standards: Abrasive Blasting.**

##### **R307-206-1. Purpose.**

R307-206 establishes work practice and emission standards for abrasive blasting operations for sources located statewide except for those sources listed in section IX, Part H of the state implementation plan or located in a PM10 nonattainment or maintenance area.

##### **R307-206-2. Definitions.**

(1) The following additional definitions apply to R307-206:

"Abrasive Blasting" means the operation of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface.

"Abrasive Blasting Equipment" means any equipment utilized in abrasive blasting operations.

"Confined Blasting" means any abrasive blasting conducted in an enclosure which significantly restricts air [~~contaminants~~]pollutants from being emitted to the ambient atmosphere, including but not limited to shrouds, tanks, drydocks, buildings and structures.

"Multiple Nozzles" means a group of two or more nozzles being used for abrasive cleaning of the same surface in such close proximity that their separate plumes are indistinguishable.

"Unconfined Blasting" means any abrasive blasting which is not confined blasting as defined above.

##### **R307-206-3. Applicability.**

R307-206 applies statewide to any abrasive blasting operation, except for any source that is listed in Section IX, Part H of the state implementation plan or that is located in a PM10 nonattainment or maintenance area.

##### **R307-206-4. Visible Emission Standards.**

Visible emissions from abrasive blasting operations shall not exceed 40% opacity, except for an aggregate period of three minutes in any one hour.

##### **R307-206-5. Visible Emission Evaluation Techniques.**

(1) Visible emissions shall be measured using EPA Method 9. Visible emissions from intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15 second intervals over a six-minute period shall not apply.

(2) Visible emissions from unconfined blasting shall be measured at the densest point of the emission after a major portion of the spent abrasive has fallen out, at a point not less than five feet nor more than twenty-five feet from the impact surface from any single abrasive blasting nozzle.

(3) An unconfined blasting operation that uses multiple nozzles shall be considered a single source unless it can be demonstrated by the owner or operator that each nozzle, measured separately, meets the emission and performance standards provided in R307-206-2 through 4.

(4) Visible emissions from confined blasting shall be measured at the densest point after the air [~~contaminant~~]pollutant leaves the enclosure.

**KEY: air pollution, abrasive blasting, PM10**

**Date of Enactment or Last Substantive Amendment:** ~~July 7, 2005~~ 2015

**Notice of Continuation:** February 5, 2015

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)  
(a)

**Environmental Quality, Air Quality**  
**R307-303**  
**Commercial Cooking**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39746

FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.

♦ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015

AUTHORIZED BY: Bryce Bird, Director

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

**R307-303. Commercial Cooking.**

**R307-303-1. Purpose.**

The purpose of this rule is to reduce volatile organic compound (VOC) and PM2.5 emissions from commercial cooking equipment.

**R307-303-2. Applicability.**

R307-303 shall apply to Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

**R307-303-3. Definitions.**

"Catalytic oxidizer" means an emission control device that employs a catalyst fixed onto a substrate to oxidize air [contaminants] pollutants in an exhaust stream.

"Chain-driven charbroiler" means a semi-enclosed charbroiler designed to mechanically move food on a grated grill through the broiler.

"Charbroiler" means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface.

**R307-303-4. Performance Standards and Recordkeeping.**

(1) ~~[No later than September 1, 2013, o]~~ Owners or operators of all chain-driven charbroilers in food service establishments shall install, maintain and operate a catalytic oxidizer.

(2) Any emission control device installed and operated under this rule shall be operated, cleaned, and maintained in accordance with the manufacturer's specifications. Manufacturer specifications for all emission controls must be maintained onsite.



- (3) The owner or operator shall maintain on the premises of the food service establishment records of each of the following:
  - (a) The date of installation of the emission control device;
  - (b) When applicable, the date of the catalyst replacement;
 and
  - (c) For a minimum of five years, the date, time, and a brief description of all maintenance performed on the emission control device, including, but not limited to, preventative maintenance, breakdown repair, and cleaning.
  - (4) Opacity of exhaust stream shall not exceed 20% opacity using EPA Method 9.

**KEY: commercial cooking, charbroilers, PM2.5, VOC**  
**Date of Enactment or Last Substantive Amendment: [~~April 10, 2013~~2015]**  
**Authorizing, and Implemented or Interpreted Law: 19-2-101**

**Environmental Quality, Air Quality**  
**R307-305-3**  
**Visible Emissions**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 39743  
 FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**AUTHORIZED BY: Bryce Bird, Director**

**R307. Environmental Quality, Air Quality.**  
**R307-305. Nonattainment and Maintenance Areas for PM10: Emission Standards.**

- R307-305-3. Visible Emissions.**
- (1) Visible emissions from existing installations except diesel engines shall be of a shade or density no darker than 20% opacity. Visible emissions shall be measured using EPA Method 9.
  - (2) No owner or operator of a gasoline engine or vehicle shall allow, cause or permit the emissions of visible [~~contaminants~~pollutants].
  - (3) Emissions from diesel engines, except locomotives, shall be of a shade or density no darker than 20% opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding three minutes in any hour.
  - (4) Visible emissions exceeding the opacity standards for short time periods as the result of initial warm-up, soot blowing, cleaning of grates, building of boiler fires, cooling, etc., caused by start-up or shutdown of a facility, installation or operation, or unavoidable combustion irregularities which do not exceed three

minutes in length (unavoidable combustion irregularities which exceed three minutes in length must be handled in accordance with R307-107), shall not be deemed in violation provided that the director finds that adequate control technology has been applied. The owner or operator shall minimize visible and non-visible emissions during start-up or shutdown of a facility, installation, or operation through the use of adequate control technology and proper procedures.

**KEY: air pollution, particulate matter, PM10, PM 2.5**  
**Date of Enactment or Last Substantive Amendment: [September 2, 2005]2015**  
**Notice of Continuation: February 5, 2015**  
**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**  
**(a)**

## Environmental Quality, Air Quality **R307-306** PM10 Nonattainment and Maintenance Areas: Abrasive Blasting

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39744  
 FILED: 09/15/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**AUTHORIZED BY:** Bryce Bird, Director

**R307. Environmental Quality, Air Quality.**  
**R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting.**  
**R307-306-1. Purpose.**

This rule establishes requirements that apply to abrasive blasting operations in PM10 nonattainment and maintenance areas.

#### **R307-306-2. Definitions.**

The following additional definitions apply to R307-306.  
 "Abrasive Blasting" means the operation of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface.

"Abrasive Blasting Equipment" means any equipment used in abrasive blasting operations.

"Abrasives" means any material used in abrasive blasting operations including but not limited to sand, slag, steel shot, garnet or walnut shells.

"Confined Blasting" means any abrasive blasting conducted in an enclosure that significantly restricts air [~~contaminants~~]pollutants

from being emitted to the ambient atmosphere, including but not limited to shrouds, tanks, drydocks, buildings and structures.

"Hydroblasting" means any abrasive blasting using high pressure liquid as the propelling force.

"Multiple Nozzles" means a group of two or more nozzles used for abrasive cleaning of the same surface in such close proximity that their separate plumes are indistinguishable.

"Unconfined Blasting" means any abrasive blasting that is not confined blasting as defined above.

"Wet Abrasive Blasting" means any abrasive blasting using compressed air as the propelling force and sufficient water to minimize the plume.

#### **R307-306-3. Applicability.**

R307-306 applies to any person who operates abrasive blasting equipment in a PM10 nonattainment or maintenance area, or to sources listed in Section IX, Part H of the state implementation plan.

#### **R307-306-4. Visible Emission Standard.**

(1) Except as provided in (2) below, visible emissions from abrasive blasting operations shall not exceed 20% opacity except for an aggregate period of three minutes in any one hour.

(2) If the abrasive blasting operation complies with the performance standards in R307-306-6, visible emissions from the operation shall not exceed 40% opacity, except for an aggregate period of 3 minutes in any one hour.

#### **R307-306-5. Visible Emission Evaluation Techniques.**

(1) Visible emissions shall be measured using EPA Method 9. Visible emissions from intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15 second intervals over a six minute period shall not apply.

(2) Visible emissions from unconfined blasting shall be measured at the densest point of the emission after a major portion of the spent abrasive has fallen out at a point not less than five feet nor more than twenty-five feet from the impact surface from any single abrasive blasting nozzle.

(3) An unconfined blasting operation that uses multiple nozzles shall be considered a single source unless it can be demonstrated by the owner or operator that each nozzle, measured separately, meets the visible emission standards in R307-306-4.

(4) Emissions from confined blasting shall be measured at the densest point after the air [~~contaminant~~ pollutant] leaves the enclosure.

#### **R307-306-6. Performance Standards.**

(1) To satisfy the requirements of R307-306-4(2), the abrasive blasting operation shall use at least one of the following performance standards:

- (a) confined blasting;
- (b) wet abrasive blasting;
- (c) hydroblasting; or
- (d) unconfined blasting using abrasives as defined in (2) below.

(2) Abrasives.

(a) Abrasives used for dry unconfined blasting referenced in (1) above shall comply with the following performance standards:

(i) Before blasting, the abrasive shall not contain more than 1% by weight material passing a #70 U.S. Standard sieve.

(ii) After blasting the abrasive shall not contain more than 1.8% by weight material 5 microns or smaller.

(b) Abrasives reused for dry unconfined blasting are exempt from (a)(ii) above, but must conform with (a)(i) above.

(3) Abrasive Certification. Sources using the performance standard of (1)(d) above to meet the requirements of R307-306-4(2) must demonstrate they have obtained abrasives from a supplier who has certified (submitted test results) to the director at least annually that such abrasives meet the requirements of (2) above.

#### **R307-306-7. Compliance Schedule.**

The provisions of R307-306 shall apply in any new PM10 nonattainment area 180 days after the area is officially designated a nonattainment area for PM10 by the Environmental Protection Agency. Provisions of R307-206 shall continue to apply to the owner or operator of a source during this transition period.

**KEY:** air pollution, abrasive blasting, PM10

**Date of Enactment or Last Substantive Amendment:** [~~September 2, 2005~~ **2015**]

**Notice of Continuation:** February 5, 2015

**Authorizing, and Implemented or Interpreted Law:** 19-2-101(1) (a)

## Environmental Quality, Air Quality **R307-401** Permit: New and Modified Sources

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39745

FILED: 09/15/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated

entities. There are no anticipated costs or savings to local governments.

♦ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at [rstephens@utah.gov](mailto:rstephens@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015**

**AUTHORIZED BY:** Bryce Bird, Director

---

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

**R307-401. Permit: New and Modified Sources.**

**R307-401-1. Purpose.**

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

**R307-401-2. Definitions.**

(1) The following additional definitions apply to R307-401.

"Actual emissions" (a) means the actual rate of emissions of an air [~~contaminant~~]pollutant from an emissions unit, as determined in accordance with paragraphs (b) through (d) below.

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air [~~contaminant~~]pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air [~~contaminant~~]pollutant which would be emitted from any proposed stationary source or modification which the director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air [~~e~~ontaminant]pollutant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

"Potential to emit" means the maximum capacity of a stationary source to emit an air [~~e~~ontaminant]pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air [~~e~~ontaminant]pollutant.

### **R307-401-3. Applicability.**

(1) R307-401 applies to any person intending to:

(a) construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution, or

(b) make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air [~~e~~ontaminants]pollutants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or

(c) install a control apparatus or other equipment intended to control emissions of air [~~e~~ontaminants]pollutants.

(2) R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.

(a) Exemptions contained in R307-401 do not affect applicability or other requirements under R307-403, R307-405 or R307-406.

(b) Exemptions contained in R307-403, R307-405 or R307-406 do not affect applicability or other requirements under R307-401, unless specifically authorized in this rule.

### **R307-401-4. General Requirements.**

The general requirements in (1) through (3) below apply to all new and modified installations, including installations that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on an installation shall be adequately and properly maintained.

(2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, then the director may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with R307-401-5 through R307-401-8. The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in (b) below, whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the director for review and approval prior to beginning construction.

(b) The provisions of (a) above do not apply to non-commercial, residential buildings.

### **R307-401-5. Notice of Intent.**

(1) Except as provided in R307-401-9 through R307-401-17, any person subject to R307-401 shall submit a notice of intent to the director and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall be in a format specified by the director.

(2) The notice of intent shall include the following information:

(a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(b) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air [~~e~~ontaminant]pollutant types, and concentration of air [~~e~~ontaminants]pollutants.

(c) Size, type and performance characteristics of any control apparatus.

(d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

(e) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air [~~e~~ontaminant]pollutant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(g) The typical operating schedule.

- (h) A schedule for construction.
- (i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.
- (j) Any additional information required by:
  - (i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;
  - (ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
  - (iii) R307-406, Visibility;
  - (iv) R307-410, Emissions Impact Analysis;
  - (v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or
  - (vi) R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County.
- (k) Any other information necessary to determine if the proposed source or modification will be in compliance with Title R307.

(3) Notwithstanding the exemption in R307-401-9 through 16, any person that is subject to R307-403, R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order prior to initiation of construction, modification, or relocation.

#### **R307-401-6. Review Period.**

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the director will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days of receipt of a complete application including all the information described in R307-401-5, the director will

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-8, or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of the proposal is inadequate to meet the applicable requirements of R307.

(3) The review period under (2) above may be extended by up to three 30-day extensions if more time is needed to review the proposal.

#### **R307-401-7. Public Notice.**

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the director will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A 30-day public comment period will be established.

(ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the notice in R307-401-7(1) is published.

(iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the notice in R307-401-7(1) is published.

(iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.

(v) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the director to review plans and specifications.

(3) The director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

#### **R307-401-8. Approval Order.**

(1) The director will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.

(b) The proposed installation will meet the applicable requirements of:

(i) R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) R307-406, Visibility;

(iv) R307-410, Emissions Impact Analysis;

(v) R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

(vi) R307-210, National Standards of Performance for New Stationary Sources;

(vii) National Primary and Secondary Ambient Air Quality Standards;

(viii) R307-214, National Emission Standards for Hazardous Air Pollutants;

(ix) R307-110, Utah State Implementation Plan; and

(x) all other provisions of R307.

(2) The approval order will require that all pollution control equipment be adequately and properly maintained.

(3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan.

(4) To accommodate staged construction of a large source, the director may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the director under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-8(1) and (2) will be reviewed and modified as appropriate at the earliest reasonable time prior to

commencement of construction of each independent phase of the proposed source or modification.

(5) If the director determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the director will not issue an approval order.

#### **R307-401-9. Small Source Exemption.**

(1) A small stationary source is exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air [~~contaminant~~]~~pollutant~~ of any of the following air [~~contaminants~~]~~pollutants~~: sulfur dioxide, carbon monoxide, nitrogen oxides, PM<sub>10</sub>, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air [~~contaminant~~]~~pollutant~~ not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air [~~contaminants~~]~~pollutants~~ not listed in (a) or (b) above.

(d) Air [~~contaminants~~]~~pollutants~~ that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption - Registration. The director will maintain a registry of sources that are claiming an exemption under R307-401-9. The owner or operator of a stationary source that is claiming an exemption under R307-401-9 may submit a written registration notice to the director. The notice shall include the following minimum information:

(a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(4) An exemption under R307-401-9 does not affect the requirements of R307-401-17, Temporary Relocation.

(5) A stationary source that is not required to obtain a permit under R307-405 for greenhouse gases, as defined in R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under R307-401. This exemption does not affect the requirement to obtain an approval order for any other air [~~contaminant~~]~~pollutant~~ emitted by the stationary source.

#### **R307-401-10. Source Category Exemptions.**

The following source categories described in (1) through (5) below are exempted from the requirement to obtain an approval order. The general provisions in R307-401-4 shall apply to these sources.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6,

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products.

#### **R307-401-11. Replacement-in-Kind Equipment.**

(1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:

(a) the potential to emit of the process equipment is the same or lower;

(b) the number of emission points or emitting units is the same or lower;

(c) no additional types of air [~~contaminants~~]~~pollutants~~ are emitted as a result of the replacement;

(d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;

(e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;

(f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;

(g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and

(h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

#### **(2) Replacement-in-Kind Procedures.**

(a) In lieu of filing a notice of intent under R307-401-5, the owner or operator of a stationary source shall submit a written notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

(b) If the replacement-in-kind meets the conditions of (1) above, the director will update the source's approval order and notify the owner or operator. Public review under R307-401-7 is not required for the update to the approval order.

(3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

**R307-401-12. Reduction in Air [Contaminants]Pollutants.**

(1) Applicability. The owner or operator of a stationary source of air [contaminants]pollutants that reduces or eliminates air [contaminants]pollutants is exempt from the requirement to submit a notice of intent and obtain an approval order prior to construction if:

(a) the project does not increase the potential to emit of any air [contaminant]pollutant or cause emissions of any new air [contaminant]pollutant, and

(b) the director is notified of the change and the reduction of air [contaminants]pollutants is made enforceable through an approval order in accordance with (2) below.

(2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under R307-401-7 is not required for the update to the approval order.

**R307-401-13. Plantwide Applicability Limits.**

A plantwide applicability limit under R307-405-21 does not exempt a stationary source from the requirements of R307-401.

**R307-401-14. Used Oil Fuel Burned for Energy Recovery.**

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1(b).

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;

(b) contamination levels of all used oil to be burned do not exceed any of the following values:

(i) arsenic - 5 ppm by weight,

(ii) cadmium - 2 ppm by weight,

(iii) chromium - 10 ppm by weight,

(iv) lead - 100 ppm by weight,

(v) total halogens - 1,000 ppm by weight,

(vi) Sulfur - 0.50% by weight; and

(c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the director or the director's representative upon request. Records must be kept for a three-year period.

**R307-401-15. Air Strippers and Soil Venting Projects.**

(1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of R307-401-5 through 8 if the following conditions are met:

(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-401-9(1)(a), and

(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-5(1)(c)(i)(C).

(2) The owner or operator shall submit documentation that the project meets the exemption requirements in R307-401-15(1) to the director prior to beginning the remediation project.

(3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the director to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in R307-401-15(1) are not exceeded.

(a) Emissions estimates of volatile organic compounds shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8260c or 8261a, or the most recent EPA revision of either test method if approved by the director.

(b) Emissions estimates of hazardous air pollutants shall be based on test data obtained in accordance with the test method in EPA document SW-846, Test #8021B or the most recent EPA revision of the test method if approved by the director.

(c) Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the director within one month of sampling.

(d) The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the director.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under R307-401-15:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

**R307-401-16. De minimis Emissions From Soil Aeration Projects.**

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of R307-401-5 through 8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the director prior to beginning the remediation project:

(1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in R307-401-9(1)(a);

(2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-5(1)(d); and

(3) the location of the remediation and where the remediated material originated.

**R307-401-17. Temporary Relocation.**

The owner or operator of a stationary source previously approved under R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial



relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the bases for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the director as requested. R307-401-7, Public Notice, does not apply to temporary relocations under R307-401-17.

**R307-401-18. Eighteen Month Review.**

Approval orders issued by the director in accordance with the provisions of R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval order.

**R307-401-19. General Approval Order.**

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

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

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

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

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

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

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

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

(4) Application.

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

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

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

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

(5) Approval.

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

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

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

(6) Exclusions and Revocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

**KEY:** air pollution, permits, approval orders, greenhouse gases  
**Date of Enactment or Last Substantive Amendment:** [February 5,] 2015  
**Notice of Continuation:** June 6, 2012  
**Authorizing, and Implemented or Interpreted Law:** 19-2-104(3)(q); 19-2-108

**Environmental Quality, Air Quality**  
**R307-410**  
**Permits: Emissions Impact Analysis**

**NOTICE OF PROPOSED RULE**

(Amendment)  
 DAR FILE NO.: 39742  
 FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ENVIRONMENTAL QUALITY  
 AIR QUALITY  
 FOURTH FLOOR  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116-3085  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.**  
**R307-410. Permits: Emissions Impact Analysis.**  
**R307-410-1. Purpose.**

This rule establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401 to ensure that the source will not interfere with the attainment or maintenance of any NAAQS. The rule also establishes the procedures and requirements for evaluating the emissions impact of hazardous air pollutants. The rule also establishes the procedures for establishing an emission rate based on the good engineering practice stack height as required by 40 CFR 51.118.

**R307-410-2. Definitions.**

(1) The following additional definitions apply to R307-410.  
 "Vertically Restricted Emissions Release" means the release of an air [contaminant]pollutant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.  
 "Vertically Unrestricted Emissions Release" means the release of an air [contaminant]pollutant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

(2) Except as provided in (3) below, the definitions of "stack", "stack in existence", "dispersion technique", "good engineering practice (GEP) stack height", "nearby", "excessive

concentration", and "intermittent control system (ICS)" in 40 CFR 51.100(ff) through (kk) and (nn) are hereby incorporated by reference.

(3)(a) The terms "reviewing authority" and "authority administering the State implementation plan" shall mean the director.

(b) The reference to "40 CFR parts 51 and 52" in 40 CFR 51.100(ii)(2)(i) shall be changed to "R307-401, R307-403 and R307-405".

(c) The phrase "For sources subject to the prevention of significant deterioration program (40 CFR 51.166 and 52.21)" in 40 CFR 51.100(kk)(1) shall be replaced with the phrase "For sources subject to R307-401, R307-403, or R307-405".

**R307-410-3. Use of Dispersion Models.**

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, (Guideline on Air Quality Models), effective July 1, 2005, which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the director may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

**R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas.**

Prior to receiving an approval order under R307-401, a new source in an attainment area with a total controlled emission rate per pollutant greater than or equal to amounts specified in Table 1, or a modification to an existing source located in an attainment area which increases the total controlled emission rate per pollutant of the source in an amount greater than or equal to those specified in Table 1, shall conduct air quality modeling, as identified in R307-410-3, to estimate the impact of the new or modified source on air quality unless previously performed air quality modeling for the source indicates that the addition of the proposed emissions increase would not violate a National Ambient Air Quality Standard, as determined by the director.

.....

**R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.**

(1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The director may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63, might reasonably be expected to pose an unacceptable risk to public health, require, on a

case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The director will notify the source in writing of the preliminary decision to require some or all of the documentation as listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the director approves.

(C) In making a final determination, the director will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e), effective July 1, 2005, which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

.....

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The director may require such documentation to include, but not be limited to:

(A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,

(B) the exposure conditions or dose that is sufficient to cause the adverse health effects,

(C) a description of the human population or other biological species which could be exposed to the estimated concentration,

- (D) an evaluation of land use for the impacted areas,
- (E) the environmental fate and persistency.
- (d) Toxic Screening Levels and Averaging Periods.

(i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:

(A) one hour for emissions releases having a duration period of one hour or greater,

(B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating process having a continuous release for a one-hour period or more, or

(C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.

(ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV-TWA, and the applicable averaging period shall be 24 hours.

(iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

#### **R307-410-6. Stack Heights and Dispersion Techniques.**

(1) The degree of emission limitation required of any source for control of any air ~~contaminant~~ pollutant to include determinations made under R307-401, R307-403 and R307-405, must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique except as provided in (2) below. This does not restrict, in any manner, the actual stack height of any source.

(2) The provisions in R307-410-6 shall not apply to:

(a) stack heights in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or

(b) coal-fired steam electric generating units subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(3) The director may require the source owner or operator to provide a demonstration that the source stack height meets good engineering practice as required by R307-410-6. The director shall notify the public of the availability of the demonstration as part of the public notice process required by R307-401-7, Public Notice.

**KEY:** air pollution, modeling, hazardous air pollutant, stack height

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

**Notice of Continuation:** June 6, 2012

**Authorizing, and Implemented or Interpreted Law:** 19-2-104

## Environmental Quality, Air Quality **R307-415** Permits: Operating Permit Requirements

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39741  
FILED: 09/15/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** On 03/25/2015, Governor Gary Herbert signed Utah H.B. 229, Air Quality Modifications, from the 2015 General Session into law. H.B. 229 revised the statutory definitions of several terms in Section 19-2-102. The purpose of this rule is to amend the Utah Air Quality Rules so that they reflect the changes made to Section 19-2-102.

**SUMMARY OF THE RULE OR CHANGE:** The word "contaminant(s)" was replaced with "pollutant(s)" throughout the rule. The definition of "air pollutant" was also removed from the rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-104

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to local governments.

◆ **SMALL BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no anticipated costs or savings to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. There are no compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Replacing "contaminants" with "pollutants" will not create additional obligations for regulated entities. Therefore, the amendments will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED,  
DURING REGULAR BUSINESS HOURS, AT:  
ENVIRONMENTAL QUALITY  
AIR QUALITY  
FOURTH FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON  
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO  
LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 12/03/2015

AUTHORIZED BY: Bryce Bird, Director

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

**R307-415. Permits: Operating Permit Requirements.**

**R307-415-3. Definitions.**

(1) The definitions contained in R307-101-2 apply throughout R307-415, except as specifically provided in (2).

(2) The following additional definitions apply to R307-415.

"Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

"Administrator" means the Administrator of EPA or his or her designee.

"Affected States" are all states:

(a) Whose air quality may be affected and that are contiguous to Utah; or

(b) That are within 50 miles of the permitted source.

~~["Air Pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.~~

]"Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source, including requirements that have been promulgated or approved by the Board or by the EPA through rulemaking at the time of permit issuance but have future-effective compliance dates:

(a) Any standard or other requirement provided for in the State Implementation Plan;

(b) Any term or condition of any approval order issued under R307-401;

(c) Any standard or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources, including Section 111(d);

(d) Any standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, including any requirement concerning accident prevention under Section 112(f)(7) of the Act;

(e) Any standard or other requirement of the Acid Rain Program under Title IV of the Act or the regulations promulgated thereunder;

(f) Any requirements established pursuant to Section 504(b) of the Act, Monitoring and Analysis, or Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification;

(g) Any standard or other requirement governing solid waste incineration, under Section 129 of the Act;

(h) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act;

(i) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an operating permit;

(j) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act;

(k) Any standard or other requirement under rules adopted by the Board.

"Area source" means any stationary source that is not a major source.

"Designated representative" shall have the meaning given to it in Section 402 of the Act and in 40 CFR Section 72.2, and applies only to Title IV affected sources.

"Draft permit" means the version of a permit for which the director offers public participation under R307-415-7i or affected State review under R307-415-8(2).

"Emissions allowable under the permit" means a federally-enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit, including a work practice standard, or a federally-enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any hazardous air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Act, Acid Deposition Control.

"Final permit" means the version of an operating permit issued by the director that has completed all review procedures required by R307-415-7a through 7i and R307-415-8.

"General permit" means an operating permit that meets the requirements of R307-415-6d.

"Hazardous Air Pollutant" means any pollutant listed by the Administrator as a hazardous air pollutant under Section 112(b) of the Act.

"Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraphs (a), (b), or (c) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987. Emissions resulting directly from an internal

combustion engine for transportation purposes or from a non-road vehicle shall not be considered in determining whether a stationary source is a major source under this definition.

(a) A major source under Section 112 of the Act, Hazardous Air Pollutants, which is defined as: for pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of such hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

(b) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant subject to regulation, including any major source of fugitive emissions or fugitive dust of any such pollutant as determined by rule by the Administrator. The fugitive emissions or fugitive dust of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to any one of the following categories of stationary source:

- (i) Coal cleaning plants with thermal dryers;
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants, furnace process;
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (xxvii) Any other stationary source category, which as of August 7, 1980 is being regulated under Section 111 or Section 112 of the Act.

(c) A major stationary source as defined in part D of Title I of the Act, Plan Requirements for Nonattainment Areas, including:

(i) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 tons per year or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide;

(iv) For PM-10 particulate matter nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM-10 particulate matter.

"Non-Road Vehicle" means a vehicle that is powered by an internal combustion engine (including the fuel system), that is not a self-propelled vehicle designed for transporting persons or property on a street or highway or a vehicle used solely for competition, and is not subject to standards promulgated under Section 111 of the Act (New Source Performance Standards) or Section 202 of the Act (Motor Vehicle Emission Standards).

"Operating permit" or "permit," unless the context suggests otherwise, means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to these rules.

"Part 70 Source" means any source subject to the permitting requirements of R307-415, as provided in R307-415-4.

"Permit modification" means a revision to an operating permit that meets the requirements of R307-415-7f.

"Permit revision" means any permit modification or administrative permit amendment.

"Permit shield" means the permit shield as described in R307-415-6f.

"Proposed permit" means the version of a permit that the director proposes to issue and forwards to EPA for review in compliance with R307-415-8.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the operating facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to such representative is approved in advance by the director;

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of R307-415, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency;

(d) For Title IV affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act, Acid Deposition Control, or the regulations promulgated thereunder are concerned;

(ii) The responsible official as defined above for any other purposes under R307-415.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any hazardous air pollutant.

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of 40 CFR Chapter I, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(a) "Greenhouse gases (GHGs)," the air pollutant defined in 40 CFR 86.1818-12(a) (Federal Register, Vol. 75, Page 25686) as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tons per year (tpy) CO<sub>2</sub> equivalent emissions.

(b) The term "tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)" shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR Part 98--Global Warming Potentials, that is hereby incorporated by reference (Federal Register, Vol. 74, Pages 56395-96), and summing the resultant value for each to compute a tpy CO<sub>2</sub>e.

"Title IV Affected source" means a source that contains one or more affected units as defined in Section 402 of the Act and in 40 CFR, Part 72.

#### **R307-415-5e. Permit Applications: Insignificant Activities and Emissions.**

An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under R307-415-9. The following lists apply only to operating permit applications and do not affect the applicability of R307-415 to a source, do not affect the requirement that a source receive an approval order under R307-401, and do not relieve a source of the responsibility to comply with any applicable requirement.

(1) The following insignificant activities and emission levels are not required to be included in the permit application.

(a) Exhaust systems for controlling steam and heat that do not contain combustion products, except for systems that are subject to an emission standard under any applicable requirement.

(b) Air [~~contaminants~~pollutants] that are present in process water or non-contact cooling water as drawn from the environment or from municipal sources, or air [~~contaminants~~pollutants] that are present in compressed air or in ambient air, which may contain air pollution, used for combustion.

(c) Air conditioning or ventilating systems not designed to remove air [~~contaminants~~pollutants] generated by or released from other processes or equipment.

(d) Disturbance of surface areas for purposes of land development, not including mining operations or the disturbance of contaminated soil.

(e) Brazing, soldering, or welding operations.

(f) Aerosol can usage.

(g) Road and parking lot paving operations, not including asphalt, sand and gravel, and cement batch plants.

(h) Fire training activities that are not conducted at permanent fire training facilities.

(i) Landscaping, janitorial, and site housekeeping activities, including fugitive emissions from landscaping activities.

(j) Architectural painting.

(k) Office emissions, including cleaning, copying, and restrooms.

(l) Wet wash aggregate operations that are solely dedicated to this process.

(m) Air pollutants that are emitted from personal use by employees or other persons at the source, such as foods, drugs, or cosmetics.

(n) Air pollutants that are emitted by a laboratory at a facility under the supervision of a technically qualified individual as defined in 40 CFR 720.3(ee); however, this exclusion does not apply to specialty chemical production, pilot plant scale operations, or activities conducted outside the laboratory.

(o) Maintenance on petroleum liquid handling equipment such as pumps, valves, flanges, and similar pipeline devices and appurtenances when purged and isolated from normal operations.

(p) Portable steam cleaning equipment.

(q) Vents on sanitary sewer lines.

(r) Vents on tanks containing no volatile air pollutants, e.g., any petroleum liquid, not containing Hazardous Air Pollutants, with a Reid Vapor Pressure less than 0.05 psia.

(2) The following insignificant activities are exempted because of size or production rate and a list of such insignificant activities must be included in the application. The director may require information to verify that the activity is insignificant.

(a) Emergency heating equipment, using coal, wood, kerosene, fuel oil, natural gas, or LPG for fuel, with a rated capacity less than 50,000 BTU per hour.

(b) Individual emissions units having the potential to emit less than one ton per year per pollutant of PM<sub>10</sub> particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or carbon monoxide, unless combined emissions from similar small emission units located within the same Part 70 source are greater than five tons per year of any one pollutant. This does not include emissions units

that emit air [~~contaminants~~]pollutants other than PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or carbon monoxide.

(c) Petroleum industry flares, not associated with refineries, combusting natural gas containing no hydrogen sulfide except in amounts less than 500 parts per million by weight, and having the potential to emit less than five tons per year per air [~~contaminant~~]pollutant.

(d) Road sweeping.

(e) Road salting and sanding.

(f) Unpaved public and private roads, except unpaved haul roads located within the boundaries of a stationary source. A haul road means any road normally used to transport people, livestock, product or material by any type of vehicle.

(g) Non-commercial automotive (car and truck) service stations dispensing less than 6,750 gal. of gasoline/month

(h) Hazardous Air Pollutants present at less than 1% concentration, or 0.1% for a carcinogen, in a mixture used at a rate of less than 50 tons per year, provided that a National Emission Standards for Hazardous Air Pollutants standard does not specify otherwise.

(i) Fuel-burning equipment, in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure, with a rated capacity of less than five million BTU per hour using no other fuel than natural gas, or LPG or other mixed gas distributed by a public utility.

(j) Comfort heating equipment (i.e., boilers, water heaters, air heaters and steam generators) with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6.

(3) Any person may petition the Board to add an activity or emission to the list of Insignificant Activities and Emissions which may be excluded from an operating permit application under (1) or (2) above upon a change in the rule and approval of the rule change by EPA. The petition shall include the following information:

(a) A complete description of the activity or emission to be added to the list.

(b) A complete description of all air [~~contaminants~~]pollutants that may be emitted by the activity or emission, including emission rate, air pollution control equipment, and calculations used to determine emissions.

(c) An explanation of why the activity or emission should be exempted from the application requirements for an operating permit.

(4) The director may determine on a case-by-case basis, insignificant activities and emissions for an individual Part 70 source that may be excluded from an application or that must be listed in the application, but do not require a detailed description. No activity with the potential to emit greater than two tons per year of any criteria pollutant, five tons of a combination of criteria pollutants, 500 pounds of any hazardous air pollutant or one ton of a combination of hazardous air pollutants shall be eligible to be determined an insignificant activity or emission under this subsection (4).

**KEY:** air pollution, greenhouse gases, operating permit, emission fees

**Date of Enactment or Last Substantive Amendment:** [~~March 7, 2012~~]2015

**Notice of Continuation:** June 6, 2012

**Authorizing, and Implemented or Interpreted Law:** 19-2-109.1; 19-2-104

## Environmental Quality, Drinking Water R309-500-6 Plan Approval Procedure

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39640

FILED: 09/03/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Amend Section R309-500-6 to add a new feature to the Plan Submittal Waiver requirements permitting water systems eligible for Subsection R309-500-6(3)(b) waivers to obtain after-the-fact waivers for multiple projects. Permitting water systems eligible for Plan Submittal Waivers to obtain multi-project after-the-fact waivers would reduce the burden on public water systems to obtain individual waivers and reduce the review time for the Division of Drinking Water, while assuring accountability and compliance with the notification requirements of the waiver rule.

**SUMMARY OF THE RULE OR CHANGE:** Revise Subsection R309-500-6(3)(b) to permit public water systems that are eligible for Plan Submittal Waivers based on water line size and system population to request after-the-fact waivers for multiple water line projects by submitting required information about the projects to the Director once a year. Revise Subsection R309-500-6(4)(a)(i) to list the basic information required to be included in the project description of all water line projects for which waivers are requested. This information will be required for individual waivers requested before construction and for multiple-project waivers submitted after construction. Revise Subsection R309-500-6(4) to add a new paragraph (b) to describe the process required for using after-the-fact waivers, including what must be submitted, when it must be submitted, how it must be submitted, and what records must be kept during the year while the projects are being constructed.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-4-104(1)(a)(ii)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The proposed amendment should entail no costs or savings to the state budget. The proposed amendment permits water systems to use certain Plan Submittal Waivers after the completion of construction of multiple water line projects. The new waiver process will probably reduce the amount of time required to review waiver requests by the Division of Drinking Water. However any associated savings will likely be subsumed by additional plan review work and therefore no savings would be available to the state budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendment should entail no costs to local governments and could result



in small savings, which are impossible to quantify, to certain local governments that own or operate Public Water Systems. Local governments that own or operate Public Water Systems that are eligible to use Plan Submittal Waivers for water line projects, construct multiple water line projects throughout the year, and take advantage of the proposed new method to use the waivers could realize some savings in the time and paperwork required to obtain Plan Submittal Waivers. The financial savings are likely to be small. The reduction in paperwork would be the primary benefit.

♦ **SMALL BUSINESSES:** The proposed amendment should entail no costs or savings to small businesses. The rule only has the potential to affect small businesses as customers or operators of Public Water Systems. The benefit of the proposed amendment would pertain to Public Water Systems that are eligible to use Plan Submittal Waivers for water line projects, construct multiple water line projects throughout the year, and take advantage of the proposed new method to use the waivers. Such Public Water Systems could realize some savings in the time and paperwork required to obtain Plan Submittal Waivers. The financial savings are likely to be small.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment should entail no costs or savings to persons other than small businesses, businesses, or local government entities. It would only affect such persons as customers or operators of Public Water Systems. Public Water Systems that are eligible to use Plan Submittal Waivers for water line projects, construct multiple water line projects throughout the year, and take advantage of the proposed new method to use the waivers could realize some savings in the time and paperwork required to obtain Plan Submittal Waivers. The financial savings are likely to be small.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Persons affected by the proposed amendment to Section R309-500-6 would be owners, operators, and customers of Public Water Systems. The proposed amendment imposes no new compliance costs on these affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The proposed amendment would have no fiscal impact on businesses. The rule itself only applies to Public Water Systems and would therefore only affect businesses as customers or operators of Public Water Systems. Since the proposed amendment imposes no new costs upon Public Water Systems, there are no new fiscal impacts associated with the amendment.

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)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY: Ken Bousfield, Director**

---

**R309. Environmental Quality, Drinking Water.**

**R309-500. Facility Design and Operation: Plan Review, Operation and Maintenance Requirements.**

**R309-500-6. Plan Approval Procedure.**

(1) Project Notification.

The Division shall be notified prior to the construction of any "public drinking water project" as defined in R309-500-5(1) above. The notification may be prior to or simultaneous with submission of construction plans and specifications as required by R309-500-6(2) below. Notification shall be made on a form provided by the Division.

(2) Pre-Construction Requirements.

All of the following shall be accomplished before construction of any public drinking water project begins:

(a) Plans and specifications for a public drinking water project shall be submitted to the Division at least 30 days prior to the date on which action is desired.

(b) Required submittals may include engineering reports, hydraulic analyses of the existing system and additions, local requirements for fire flow and duration, proximity of sewers and other utilities, water consumption data, supporting information, evidence of rights-of-way and reference to any previously submitted master plans pertinent to the project, a description of a program for keeping existing water works facilities in operation during construction so as to minimize interruption of service, etc.

(c) Plans and specifications submitted shall be complete and sufficiently detailed for actual construction. Plans and specifications shall also adequately identify and address any conflicts or interferences.

(d) Drawings that are illegible or of unusual size will not be accepted for review.

(e) The plans and specifications shall be stamped and signed by a licensed professional engineer as required by Section 58-22-602(2) of the Utah Code.

(f) If construction or the ordering of substantial equipment has not commenced within one year of Plan Approval, a renewal of the Plan Approval shall be obtained prior to proceeding with construction.

(3) Eligibility for Plan Submittal Waivers.

In lieu of submitting plans and specifications for Plan Approval and obtaining Operating Permits, public water systems may request Plan Submittal Waivers for two types of water line projects (excluding booster pump stations) after first becoming eligible to request the waivers. The Director will issue written notification that a public water system is eligible to request the Plan Submittal Waivers described in R309-500-6(3)(a) and (3)(b) if the information provided is acceptable.

(a) Water Line Projects Included in an Approved Master Plan. To become eligible to request this type of waiver, a public water system must submit standard installation drawings, which meet the requirements in R309-550, and a master plan, which is supported by a hydraulic analysis, to the Director for approval.

(b) Water Line Projects Included in (i) through (iii) below. To become eligible to request this type of waiver, a public water system must submit the following in writing to the Director: standard installation drawings that meet the requirements of R309-550, the name of the professional engineer responsible for design of the entire water system, and the name of the professional engineer responsible for oversight of the hydraulic analysis for the entire water system.

(i) Water lines less than or equal to 8 inches in diameter in water systems providing water to a population less than 3,300;

(ii) Water lines less than or equal to 12 inches in diameter in water systems providing water to a population between 3,300 and 50,000; or

(iii) Water lines less than or equal to 16 inches in diameter in water systems providing water to a population greater than 50,000.

Public water systems eligible for Plan Submittal Waivers per R309-500-6(3)(b) may request an after-the-fact Plan Submittal Waiver for multiple water line projects by submitting the required information to the Director annually per R309-500-6(4)(b).

(4) Using Plan Submittal Waivers.

(a) Plan Submittal Waivers Prior to Construction.

After becoming eligible to request Plan Submittal Waivers per R309-500-6(3), a public water system must complete the following when requesting a Plan Submittal Waiver for an individual water line project prior to construction:

([a]i) Submit a complete Project Notification Form describing the project, including pipe length, diameter, material, and joint type; project location; number of new service connections; whether minimum separation requirements between water lines and sewer lines in R309-550-7 will be met for the proposed water line project; and specifying which Plan Submittal Waiver, R309-500-6(3)(a) or R309-500-6(3)(b), is being requested;

([b]ii) For projects that will have a hydraulic impact, submit a certification of hydraulic analysis by a professional engineer per R309-511-6(1) indicating that the design will not result in unacceptable pressure and flow conditions (including fire flow if fire hydrants are installed);

([e]iii) Submit a certification by a professional engineer, who is responsible for the design and construction of the project or has been designated by the water system in writing as the professional engineer directly responsible for the design of the entire water system, indicating that design and construction will meet the requirements of R309-500 through 550, that proper flushing and disinfection will be completed according to the appropriate ANSI/AWWA standard, that satisfactory bacteriological sample results will be obtained prior to placing the facilities into service, and that the water system will receive a copy of as-built or record drawings;

([d]iv) Obtain a written Plan Submittal Waiver, in lieu of Plan Approval, from the Director prior to the start of construction; and

([e]v) Comply with the conditions in R309-500-6(4)([e]a) (iii) prior to placing the new facilities into service.

(b) After-the-Fact Plan Submittal Waivers.

After becoming eligible to request Plan Submittal Waivers per R309-500-6(3)(b), a public water system may choose to obtain an after-the-fact waiver for multiple water line projects by complying with the following requirements:

(i) Water systems shall submit a single copy of each item listed above in R309-500-6(4)(a)(i) through (iii) to the Director by January 31 of each year.

(ii) The single Project Notification Form and the required certifications shall include the information required per R309-500-6(4)(a)(i) for each water line project completed during the previous calendar year that has not received a Plan Submittal Waiver.

(iii) Water systems shall maintain an up-to-date record tracking the water line project information required per R309-500-6(4)(a)(i) through (iii) for each project completed during the year that has not received a Plan Submittal Waiver but will be included in the annual after-the-fact waiver request. Water systems shall make the water line project tracking record available for Division review upon request.

**KEY: drinking water, plan review, operation and maintenance requirements, permits**

**Date of Enactment or Last Substantive Amendment: [July 15,] 2015**

**Notice of Continuation: March 13, 2015**

**Authorizing, and Implemented or Interpreted Law: 19-4-104**

## Environmental Quality, Drinking Water R309-520 Facility Design and Operation: Disinfection

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39641

FILED: 09/03/2015

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amend Rule R309-520 to make it easier to understand and easier for Public Water Systems to comply with its requirements. Also amend the rule to correct typographical errors and replace inaccurate terms with accurate ones. The majority of the revisions update the general disinfection requirements of Section R309-520-6 and the chlorination requirements of Section R309-520-7.

SUMMARY OF THE RULE OR CHANGE: Grammatical improvements are made throughout the rule. Substantive changes are primarily made to general disinfection and chlorination requirements, which are revised to replace overly general requirements with specific requirements. Section R309-520-7 is revised to group similar requirements together. In Sections R309-520-6 and R309-520-7, titles are revised to more accurately reflect the contents of subsections. Also in Sections R309-520-6 and R309-520-7, previously un-

numbered sections are numbered so that references to specific requirements can easily be made. Subsection R309-520-6(1) is rewritten to focus on ground water sources that don't meet microbiological standards but are not affected by surface water intrusion. Subsection R309-520-6(3) is re-titled to reflect an emphasis on required disinfection of ground water and surface water sources. Subsection R309-520-6(4) is re-titled and rewritten to focus on the application point of disinfectants and achieving disinfection CT (disinfection concentration and contact time). Section R309-520-7 is revised by moving general disinfection requirements that apply to all forms of disinfection, not simply to chlorination, to Section R309-520-6 which covers general disinfection requirements. Section R309-520-7 is revised throughout to remove references to calcium and sodium hypochlorite because of the availability of new hypochlorite compounds not based on calcium or sodium. Subsection R309-520-7(2) is revised to clearly distinguish which requirements apply to chlorine gas supplied by small 150-pound cylinders and which apply to large one-ton cylinders, including requirements for the installation of gas scrubbers and separate ventilation systems. Subsection R309-520-7(3) is revised to distinguish between requirements that apply to handling bulk hypochlorite solutions and those that apply to handling small quantities. Degradation of hypochlorite solutions and the consideration of water quality when selecting hypochlorite tablets are also addressed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-4-104(1)(a)(ii)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: The proposed amendment should entail no costs or savings to the state budget. The proposed amendment imposes no new disinfection requirements on Public Water Systems and primarily attempts to clarify and reorganize existing requirements. Therefore, there are no new costs or savings associated with state implementation of the amended regulations.
- ◆ LOCAL GOVERNMENTS: The proposed amendment should entail no costs or savings to local governments. The proposed amendment imposes no new disinfection requirements on Public Water Systems and primarily attempts to clarify and reorganize existing requirements. Therefore, there are no new costs or savings associated with local implementation of the amended regulations.
- ◆ SMALL BUSINESSES: The proposed amendment should entail no costs or savings to small businesses. The rule only has the potential to affect small businesses as customers or operators of Public Water Systems. The proposed amendment imposes no new disinfection requirements on Public Water Systems and primarily attempts to clarify and reorganize existing requirements. Therefore, there are no new costs or savings associated with implementation of the amended regulations by small businesses as customers or operators of Public Water Systems.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendment should entail no costs or savings

to persons other than small businesses, businesses, or local government entities. It would only affect such persons as customers or operators of Public Water Systems. The proposed amendment imposes no new disinfection requirements on Public Water Systems and primarily attempts to clarify and reorganize existing requirements. Therefore, there are no new costs or savings associated with implementation of the amended regulations by persons that are customers or operators of Public Water Systems.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons affected by the proposed amendment to Rule R309-520 would be owners, operators, and customers of Public Water Systems. Because the proposed amendment imposes no new disinfection requirements on Public Water Systems, there are no new compliance costs to be borne by affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment would have no fiscal impact on businesses. The rule itself only applies to Public Water Systems and would therefore only affect businesses as customers or operators of Public Water Systems. Since the proposed amendment imposes no new disinfection requirements on Public Water Systems, there are no new fiscal impacts associated with the amendment.

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)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Ken Bousfield, Director

**R309. Environmental Quality, Drinking Water.**  
**R309-520. Facility Design and Operation: Disinfection.**  
**R309-520-1. Purpose.**

This rule specifies requirements for facilities that disinfect public drinking water. It is to be applied in conjunction with [R]ules R309-500 through R309-550[~~Series 500~~], Drinking Water Facility Construction, Design, and Operation[~~, namely, R309-500 through R309-550~~]. Collectively, these Rules govern the design, construction, and operation and maintenance of public drinking water system

facilities. These Rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water that consistently meet applicable drinking water quality requirements and do no harm to general public health.

#### R309-520-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code and in accordance with Title 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.

#### R309-520-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.

#### R309-520-4. Primary Disinfectants.

Primary disinfection is the means to provide adequate levels of inactivation of pathogenic micro[org]anisms within the treatment process. The effectiveness of chemical disinfectants is measured as CT, a function of disinfectant residual and contact time[a function of the concentration and time of contact, a "CT" value in units such as mg/L-min]. The effectiveness of UV disinfection is determined through validation testing of each model and specific configuration of UV reactor proposed in the design, as described in R309-520-8.

[Only f]Four disinfectants: chlorine[-(i.e., gas, hypochlorite solution, and hypochlorite tablets)], ozone, ultraviolet light, and chlorine dioxide are approved [herein-]as [allowable-]primary disinfectants of drinking water.

#### R309-520-5. Secondary Disinfectants.

Secondary disinfection [is the means to-]provides an adequate disinfectant residual in the distribution system to maintain [a chemical barrier and to control bacteriological]the quality of treated water by controlling microbiological contamination.

[The effectiveness of s]Secondary chemical disinfection is [measured through]achieved by maintaining a detectable disinfectant residual throughout the distribution system. Allowable secondary disinfectants are chlorine [gas, hypochlorite solution, and hypochlorite tablets-]and chloramine.

#### R309-520-6. General.

##### (1) Continuous Disinfection.

(a) Continuous disinfection is required of all ground water sources that do not otherwise continuously meet microbiological standards[of bacteriologic quality]. Intermittent or batch disinfection, such as adding hypochlorite tablets or concentrated hypochlorite solution to a tank[commonly used for disinfecting new water tanks, waterlines, well casings, etc.], is not acceptable for ongoing operation if continuous disinfection is required.[drinking water delivery service. Surface water sources, and ground water sources under direct influence (UDI) of surface water, shall be disinfected as a part of the treatment requirements for conventional surface water treatment or alternative surface water treatment.]

(b) Disinfection is not an acceptable remedy to physical deficiencies or sources susceptible to surface water influence. Disinfection shall not be used to mask ongoing contamination and shall not be used as a substitute for correcting deficiencies.[inadequate drinking water system facilities. Systems that practice source-

disinfection, and whose sources are exclusively ground water sources, as defined in R309-505-8, shall meet the requirements of R309-105-10(1), Chemical Addition.]

(c) Where continuous disinfection is required, the design shall provide a means to isolate or service the disinfection equipment without allowing untreated water to enter the distribution system. If the untreated water is to be discharged, it shall not cause environmental or property damage.

##### (2) ANSI/NSF Standard 60 Certification.

All chemicals added to drinking water, including chlorine (i.e., gas, hypochlorite solution, hypochlorite tablets, granules, and powder), chloramines, and chemicals used to generate hypochlorite solutions and chlorine dioxide, [added to drinking water supplied by a public water system-]shall be certified as complying with ANSI/NSF Standard 60, Drinking Water Treatment Chemicals.

(3) Required Disinfection[Appropriate Use of Primary and Secondary Disinfectants].

(a) Surface water, or groundwater under the direct influence of surface water, shall be filtered by conventional surface water treatment or alternative surface water treatment methods and disinfected to meet the requirements of R309-200-7.

(b) [Only ground water]Where microbiological treatment is required for a ground water source that is not under the influence of surface water, disinfection without filtration may be considered adequate. [-can be adequately disinfected with primary disinfectants, or primary and secondary disinfectants, alone. Surface waters, as well as ground water under the direct influence of surface water, require conventional surface water treatment or alternative surface water treatment methods.]

(4) Point of Application and CT[Required Disinfectant Dose and Contact Time].

[Minimum cyst and virus reductions for that approved primary chemical disinfectants must achieve are specified in R309-200-5(7)(a), Disinfection, and reiterated in R309-200-7(2), namely 4-log virus removal or inactivation, 3-log Giardia lamblia cyst removal or inactivation, and 2-log Cryptosporidium removal or inactivation for water sources in bin 1 classification per R309-215-15(11)(c). Minimum doses and contact times for primary chemical disinfectants are standardized as "CT" values as defined in R309-110-4, Definitions.]A combination of disinfectant residual and contact time is defined as disinfection CT in R309-110-4. The following requirements apply to disinfectant point of application and CT:

(a) Consideration shall be given to the contact time of the disinfectant in water with relation to pH, ammonia, taste-producing substances, temperature, biological quality, and other pertinent factors.

(b) Where possible, the design shall minimize the formation of disinfection byproducts.

(c) Treatment of ground water sources shall provide sufficient CT to achieve a minimum of 4-log virus inactivation and/or removal.

(d) Point of application of disinfectants shall be at a location that will achieve the required disinfection CT prior to the first service connection.

##### (5) Site Selection.

Disinfection installations shall be sited to permit convenient [year-round]access during the operation period. These installations shall [initially-]be sited with due consideration of possible danger to nearby population and of possible jeopardy from seismic fault zones.

**R309-520-7. Chlorine.**

(1) General Requirements for all Chlorination Installations.

(a) Chemical Types.

Disinfection by chlorination shall be accomplished by gaseous chlorine or ~~liquid solutions of calcium hypochlorite or sodium hypochlorite solutions. Hypochlorite solutions can be purchased, generated on site, or prepared by dissolving solids.~~

(b) Feed Equipment.

Solution-feed gas type chlorinators, direct-feed gas type chlorinators or hypochlorite liquid feeders of a positive displacement type shall be provided. Solution-feed gas type chlorinators are preferred. Use caution when selecting direct-feed gas type chlorinators. ~~[However, for small supplies requiring less than four pounds per day, liquid hypochlorite feed systems are advised.]~~

(c) Chlorine Feed Capacity.

~~[The design of each chlorinator shall permit:~~

(i) The capacity of the chlorine feed equipment shall be sized to provide at least 2 mg/L during peak demand.

~~(ii) [the chlorinator capacity to be such that a free chlorine residual of at least 2 mg/l can be maintained in the system after 30 minutes of contact time during peak demand.] The feed equipment shall [be of such design that it will] operate accurately over [a] the design feeding range [of 0.2 mg/l to 2 mg/l].~~

~~(iii) [assurance that a detectable residual, either combined or free, can be maintained] The feed equipment shall be designed to maintain a detectable residual at all times, at all points within the intended area in the distribution system.~~

(d) Automatic Proportioning.

Automatic proportioning chlorinators shall be required where the rate of flow of the water to be treated or chlorine demand of the water to be treated is not reasonably constant.

(e) Injector~~[/]~~, Eductor, or ~~[d]~~ Diffuser.

~~(i) [Location. The chlorine solution injector/diffuser shall be compatible with the point of application to provide a] Chlorine shall be added at a point that allows rapid and thorough mixing [with all the water being treated]. The center of a pipeline is the preferred application point.~~

~~(ii) [Equipment. Each injector selected shall be appropriate to] The selection of equipment shall consider the [intended] point of application, [with particular attention given to] the quantity of chlorine to be added, [the maximum injector water flow,] the size and flow of the chlorine solution line, the back pressure of the to-be-treated water flow, and the [injector] equipment operating pressure, and the size of the chlorine solution line. Gauges for measuring water pressure at the inlet and outlet of each injector shall be provided].~~

~~(iii) [Protection.—] A suitable [screen] strainer to prevent small debris from clogging [a] chlorine feed equipment [injector] shall be provided [on each water feed line]. Provision for flushing [of] the [screen] strainer is required.~~

(f) Contact Time and Point of Application for Surface Water.

The design of plants treating surface water or ground water under the direct influence of surface water shall make provisions to add chlorine at various process points as needed.

~~(i) Due consideration shall be given to the contact time of the chlorine in water with relation to pH, ammonia, taste producing substances, temperature, biological quality, and other pertinent factors.~~

~~(ii) Where possible, the design shall minimize the formation of chloro-organic compounds. At plants treating surface water or ground water under the direct influence of surface water, provisions shall be made for applying chlorine to raw water, applied water, filtered water, and water entering the distribution system.~~

~~(iii) When treating ground water, provisions shall be made for applying chlorine to at least a reservoir inlet or transmission pipeline which will provide sufficient contact time.~~

~~(iv) Care must be taken to assure that the point of application will, in conjunction with the pipe and tank configuration of the water system, allow required CT values to be achieved prior to the first consumer connection.~~

(g) Minimization of Chlorinated Overflow.

~~[The chlorinator and associated water delivery facilities shall be designed so as to] The design shall minimize the release of chlorinated water into the environment, for example, the discharge of chlorinated water from tank overflows. Such releases must comply with rules of Division of Water Quality that pertain[s] to discharge of [f] pollution.~~

(h) Feed Water Piping Prevention of Cross Connections.

~~(i) [The chlorinator water supply piping shall be designed to] The design shall prevent contamination of the treated water supply by make-up water of lesser quality.~~

~~(ii) [At all facilities treating surface water, pre-chlorination and post-chlorination systems shall be independent where pre-chlorination chlorine solution make-up water is not finished water.] All chlorine solution make-up water shall be at least of equal quality to the water receiving the chlorine solution. At surface water treatment facilities, pre-chlorination and post-chlorination processes shall be independent to prevent cross connections where pre-chlorination make-up water is not finished water.~~

(i) Flow Measurement.

~~The design of the chlorination system [design] shall [have] provide a means to measure the flow rate of treated water [which is critical to operation of flow-proportioned disinfectant] as a basis for dosing.~~

(j) Residual Testing Equipment.

~~The water system shall have [C] chlorine residual test equipment [in accordance with the analytical methods in "Standard Methods for the Examination of Water and Wastewater," shall be provided and shall be] capable of measuring residuals to the nearest 0.1 mg/[f]L in the range below 0.5 mg/[f]L, to the nearest 0.3 mg/[f]L between 0.5 mg/[f]L and 1.0 mg/[f]L and to the nearest 0.5 mg/[f]L above 1.0 mg/[f]L.~~

(k) Standby and Backup Equipment.

~~(i) A spare parts kit shall be provided and maintained for all chlorinators to repair parts subject to wear and breakage. If there could be a large difference in feed rates between routine and emergency dosages, multiple gas metering tubes shall be provided, at least one for each dose range, to assure accurate control of the chlorine feed under both routine and emergency conditions.~~

~~(ii) Where chlorination is required for disinfection of a water supply, standby equipment of sufficient capacity shall be available to replace the largest unit in the event of its failure.~~

~~(iii) Standby power shall be available, during power outages, for operation of chlorinators where disinfection of the water supply is required unless operation of the chlorinator does not require power.~~

## (l) Heating, Lighting, Ventilation.

Chlorinator ~~[houses]~~ buildings shall be heated, lighted and ventilated as necessary to assure proper operation of the equipment and safety of the operators ~~[and to facilitate its serviceability].~~

~~[(m) Bypass to Waste Capability of Chlorine Disinfection Systems.~~

~~A chlorinator bypass, with appropriate turn-out of unchlorinated water, shall be provided to allow the flow to waste for periods when the chlorination system is not operational. This is necessary to prevent unchlorinated water from entering the distribution system. The flow to waste shall be designed such that it does not result in unintended consequences such as flooding or property damage.~~

~~(n) Isolation Capability.~~

~~Chlorinator isolation plumbing shall be provided such that each chlorinator can be removed from the process train (e.g., during maintenance, power outage, other shutdown, etc.) without allowing otherwise unchlorinated water to bypass the unit and be delivered to the public for consumption.~~

~~(m) Incompatible Chemicals.~~

~~The design shall ensure that incompatible chemicals that may damage or deteriorate chlorination facilities are stored separately from chlorination equipment and chemicals.~~

## (2) Additional Requirements for Gas Chlorinators.

## (a) Automatic Switch over.

Automatic Switch over of chlorine cylinders shall be provided ~~[, where necessary, to assure]~~ if continuous disinfection is required.

~~(b) Injector and Eductor.~~

~~Each injector or eductor shall be selected for the point of application with particular attention given to the quantity of chlorine to be added, the maximum injector or eductor water flow, the total discharge back pressure, the injector operating pressure, and the size of the chlorine solution line. Gauges for measuring water pressure at the inlet and outlet of each injector shall be provided.~~

~~(e)b) Gas Scrubbers.~~

~~[Gas chlorine facilities shall conform with the Uniform Fire Code, Article 80 and the Uniform Building Code, Chapter 9 as they are applied by local jurisdictions in the state.] One-ton chlorine cylinder operating areas shall be equipped with a gas scrubber per the International Fire Code capable of treating the release of chlorine gas from the largest single cylinder at its maximum flow rate. Furthermore, local toxic gas ordinances shall be complied with if they exist.~~

~~(d)c) Heat.~~

~~The design of the chlorination room shall assure that the temperature in the room will not [ever] fall below 32 degrees F or the [at] temperature required for proper operation of the chlorinator, whichever is greater.~~

~~(e)d) Ventilation.~~

~~(i) Chlorination equipment rooms which contain chlorine cylinders, tanks, equipment and gaseous chlorine lines under pressure shall have at least one exhaust fan, [and shall be constructed and equipped such that:]~~

~~(ii) [e]Chlorine room exhaust fan(s), when operating, shall provide at least one complete room air change per minute[;].~~

~~(iii) [e]Chlorine room [ventilating]exhaust fan(s) shall take suction inside the chlorine room near the floor, as far as practical from the door and air inlet, and discharge air outside of the building away~~

~~from air inlets, [exhaust air out of the room with the point of discharge so located as not to contaminate air inlets of any other rooms or any structures;]~~

~~(i) [v] [e]Chlorine room air [entryways]inlets shall be through wall louvers near the ceiling[;].~~

~~[(iv) chlorine room air entryway louvers and air exit way louvers (e.g., on outside faceplate of any floor level exhaust fan) shall have air-tight closure;~~

~~[(i)v] [s]Separate switches for the chlorine room fans and lights shall be located [outside of the chlorine room] near the entrance to the room[;] and shall be protected from vandalism, [; and] The switches shall be located outside the chlorine room if housed in a water treatment plant.~~

~~[(v) vents from feeders and storage discharge above grade to the outside atmosphere;~~

~~(vi) The ventilation system for one-ton chlorine cylinder operating areas shall be designed to operate independently from the ventilation system for the rest of the treatment plant. One-ton chlorine cylinder operating areas shall be designed to maintain negative pressure per the International Fire Code.~~

~~(f)e) [Feeder]Chlorine Vent Line.~~

~~The chlorine vent line [hose from the feeder] shall discharge [to the]outside, [atmosphere]above grade, at a point least susceptible to vandalism, and shall have the end covered with a No. 14 mesh non-corrodible screen.~~

~~(g)f) Housing.~~

~~(i) [Adequate h]Housing shall be provided for [the] chlorination equipment and [for storing the chlorine (see R309-520-10(1)(f) above)]storage to ensure proper function and security.~~

~~(ii) Chlorine cylinders shall not be stored in direct sunlight or exposed to excessive heat.~~

~~(h)g) Housing at Water Treatment Plants.~~

~~A separate [room, referred to as the]chlorine room, for chlorine cylinders and feed equipment, shall be provided at all water treatment plants with multiple processes and operating areas. [Chlorine gas feed and storage shall be enclosed in the chlorine room and separated from other operating areas. The chlorine room shall have:]~~

~~(i) The chlorine room shall have shatter resistant inspection window(s) installed in an interior wall [and]preferably located so that an operator may read the weighing scales without entering the chlorine room[;].~~

~~(ii) [construction such that a]All openings between the chlorine room and the remainder of the plant [are]shall be sealed [and].~~

~~(iii) [o]Outward-opening doors shall be equipped with panic bars to allow [facilitate a means of easy and] rapid exit [to the building exterior].~~

~~(iv) [f]Floor drains [shall be]are discouraged but, where provided, [these floor drains]shall discharge to the outside of the building and shall not be connected to other internal or external drain systems.~~

~~(v) Chlorine feed lines shall not carry pressurized chlorine gas beyond the chlorine room. Only vacuum lines may be routed to other portions of the building outside the chlorine room. Any openings for these lines must be adequately sealed.~~

~~(vi) The design of operating areas for one-ton cylinders shall allow full and empty cylinders to be stored in separate areas.~~

~~(i)h) Cylinder Security.~~

~~[Full and empty]Chlorine cylinders [of liquefied chlorine gas and ammonia gas] shall be [stored in rooms separate from each other, and shall be:~~

- ~~(i) isolated from operating areas;~~
- ~~(ii) ]restrained in position to prevent upset, [ from accidental bumping, seismic event or other such circumstance;~~
- ~~(iii) stored in areas not in direct sunlight or not exposed to excessive heat.]~~

~~[(j) Feed Line Routing.~~

~~Chlorine feed lines shall not carry pressurized chlorine gas beyond the chlorinator room. Only vacuum lines may be routed to other portions of the building outside the chlorine room. Any openings for these lines must be adequately sealed.~~

~~[(k)j] Weighing Scales.~~

~~Scales shall be provided for determining chlorine cylinder weight. Scales should be of a corrosion resistant material and should be placed in a location remote from any moisture. Scales shall be accurate enough to indicate loss of weight to the nearest one pound for 150 pound cylinders and to the nearest 10 pounds for one ton cylinders.~~

~~[(l)j] Pressure Gauges.~~

~~Pressure gauges shall be provided on the inlet and outlet of each chlorine eductor[injector. Water pressures at the inlet and outlet of each chlorine injector shall be accurately measured. The preferred location is on the water feed line immediately before the inlet of the chlorine injector and at a point on the water main just ahead of chlorine injection. These locations should give accurate pressure readings while not being subjected to corrosive chlorinated water.]~~

~~[(m) Injector Protection.~~

~~A suitable screen to prevent small debris from clogging a chlorine injector shall be provided on the water feed line. Provision for flushing of the screen is required.~~

~~[(n) Chlorine Vent Line Protection.~~

~~A non-corrodible fine mesh (No. 14 or finer) screen shall be placed over the discharge ends of all vent lines. All vent lines shall discharge to the outside atmosphere above grade and at locations least susceptible to vandalism.~~

~~[(o)k] Gas Masks.~~

~~(i) Where chlorine gas in one-ton cylinders is handled, [R]respiratory protection equipment, meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available [where chlorine gas in one-ton cylinders is handled,] and shall be stored at a convenient location, but not inside any room where chlorine is used or stored. The units shall use compressed air, have at least a 30 minute capacity, and be compatible with units used by the fire department responsible for the plant.~~

~~(ii) Where [smaller]150 pound chlorine cylinders are used, [suitable gas masks]a respirator recommended by the National Institute for Occupational Safety and Health must be [provided]available.~~

~~[(p)l] Chlorine Leak Detection and Repair.~~

~~(i) A bottle of Ammonium Hydroxide, 56% ammonia solution, shall be available for chlorine leak detection[;].~~

~~(ii) [w]Where one-ton [containers]cylinders are used, a leak repair kit approved by the Chlorine Institute shall be provided.~~

~~(iii) Continuous chlorine leak detection equipment is required for one-ton cylinders[recommended].~~

~~(iv) Where a continuous leak detector is provided, it shall be equipped with both an audible alarm and a warning light to ensure operator safety.~~

(3) Additional Requirements for Hypochlorite Systems.

~~[Disinfection by free chlorine shall be accomplished with stock hypochlorite solutions, hypochlorite solution produced by an on-site generator, or hypochlorite solutions prepared from hypochlorite tablets.~~

~~](a) General Requirements.~~

~~(i) Emergency Eyewash and Safety Showers.~~

~~Emergency eyewash stations and safety showers shall be provided at all hypochlorite installations where concentrated hypochlorite solutions, containing 5% or greater available chlorine by volume, are handled in containers greater than 55 gallons. Where hypochlorite solutions are used at remote locations or in quantities of 55 gallons or less on site, safety showers are not required and alternative emergency eyewash may be provided.~~

~~(ii) Storage of Liquid Hypochlorite to Prevent Decay.~~

~~Storage and injection areas shall be designed to minimize the decay in strength of concentrated hypochlorite solutions from excessive heat or direct sunlight.~~

~~(iii) Feed Equipment - Chemical Addition.~~

~~Hypochlorite feed equipment shall generally conform with R309-525-11, Chemical Addition.~~

~~(iv) Feed Equipment - Certification.~~

~~The hypochlorite feed equipment for drinking water treatment shall be certified to meet ANSI/NSF Standard 61.~~

~~(a)[b] Concentrated [Sodium-]Hypochlorite Solutions.~~

~~The water system shall provide an operational means to avoid the injection of significantly decayed hypochlorite solutions, for example by keeping records on site of the delivery date of the hypochlorite solution.~~

~~[(i) The concentrated sodium hypochlorite solutions used for drinking water treatment shall be certified as meeting the ANSI/NSF Standard 60.~~

~~(ii) Emergency eyewash stations or showers shall be provided at all hypochlorite installations where concentrated (e.g., above 5.25% strength) hypochlorite solutions are handled for dilution by operators or other personnel.~~

~~(iii) The storage and injection areas shall be designed to minimize the decay of the strength of the concentrated hypochlorite solution over time, such as minimize excessive heat or direct sunlight.~~

~~[(b)c] On-Site Generation of Hypochlorite Solutions[Generation].~~

~~(i) The on-site hypochlorite generation systems used for drinking water treatment shall be certified as meeting the NSF/ANSI Standard 61.~~

~~(ii) Manufacturer recommendations for safety with respect to equipment and electrical power[and other considerations for the ANSI/NSF Standard 61 certified on-site chlorine generation system] shall be followed.~~

~~(iii) The make-up water used in on-site generation shall be of drinking water quality.~~

~~(iv) The hydrogen gas generated in the electrolytic cell of the on-site generation system shall be vented upward to the outside of the building in a dedicated, unobstructed line.~~

~~(e)d] [Calcium-]Hypochlorite Tablets.~~

~~(i) Before selecting a hypochlorite tablet disinfection process, water hardness, solubility of hypochlorite tablets, water temperature, and other water quality factors shall be taken into consideration.[The calcium hypochlorite tablets, granules, and~~

~~powder forms, used for drinking water treatment shall be certified as meeting ANSI/NSF Standard 60.]~~

~~(ii) The [calcium] hypochlorite dissolution [systems] equipment for drinking water treatment shall be certified as meeting the ANSI/NSF Standard 61. [The Director may grant an exception to this requirement on a case-by-case basis.]~~

~~(iii) The design shall allow the [calcium] hypochlorite tablets to be stored in accordance with the manufacturer's safety guidelines [by the vendor or manufacturer, for example,] and in their original containers in a cool, dry, well-ventilated area. The [calcium] hypochlorite tablets shall not be stored near combustible materials [and] or acids to avoid fire or the release of toxic gases.~~

~~[(d) Hypochlorite Feed Equipment:~~

~~(i) Hypochlorite feed equipment shall generally conform with R309-525-11, Chemical Addition; with R309-525-6 for storage and safe handling; with R309-525-7 for feeder design, location, and control; with R309-525-8 for feeder appurtenances such as pumps, day tanks, bulk storage tanks, and feed lines; and R309-525-9 for make-up water supply and protection.~~

~~(ii) The hypochlorite feed equipment for drinking water treatment shall be certified meeting the ANSI/NSF Standard 61. The Director may grant an exception to this requirement on a case by case basis.~~

]

### **R309-520-8. Ultraviolet Light.**

#### (1) General Requirements.

This rule shall apply to the public drinking water systems that use ultraviolet (UV) disinfection for inactivation of Cryptosporidium, Giardia, and virus. The Director may reduce the requirements of monitoring and reporting on a case by case basis for the water systems that use UV as ancillary means of disinfection and do not claim credit for UV disinfection or for water systems using UV without a SCADA system and treating less than 30 gallons per minute.

Terminology used in this rule is based on the definitions in the EPA Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule (2006 Final UVDGM).

(a) Water systems using surface water or ground water under the influence of surface water shall not use UV as the sole means of disinfection. For these types of water systems, at least one alternative primary disinfectant must be used for virus disinfection, and a secondary disinfectant shall be provided to maintain a disinfectant residual in the distribution system.

(b) The following requirements apply to the water systems that wish to receive credit for UV disinfection:

(i) The water system shall submit a UV plan which clearly identifies the dose monitoring strategy, such as the UV intensity setpoint approach, the calculated dose approach or an alternative approach.

(ii) The water system shall identify the goals for the UV facility as part of a comprehensive disinfection strategy, including target pathogens, target log inactivation, and corresponding required UV dose per Table 215-5 in R309-215-15(19)(d).

(iii) The water system shall submit a UV reactor validation report in accordance with R309-520-8(2), to the Director for review prior to installation of UV facility.

(iv) The water system must demonstrate that the reactor is delivering the required UV dose using a validated dose monitoring

system and continue to comply with the monitoring and reporting requirements specified in R309-215-15(19) and (20).

#### (2) Validation Testing.

The Director may accept a validation report that was conducted based on the 2003 draft UV Disinfection Guidance Manual on a case-by-case basis.

(a) Each model and specific configuration of UV reactor must undergo off-site, full-scale validation testing by an independent third party test facility prior to being approved for use. The validation testing shall be conducted in qualified test facilities that are deemed acceptable by NSF, EPA, or the Director.

(b) Validation testing results shall provide data, including calculations and tables or graphical plots, on dose delivery by the UV reactor under design conditions of flow rate, UV transmittance (UVT), UV intensity, lamp status, power ballast setting, as well as consideration of lamp aging and lamp fouling. The validation report shall demonstrate that the monitoring algorithm is valid over the range expected with the application. The data is used to define the dose monitoring algorithm for the UV reactor and the operating conditions that can be monitored by a utility to ensure that the UV dose required for a given pathogen inactivation credit is delivered.

(c) The UV reactor validation report shall include:

(i) Description of the reactor and validation test set-up, including general arrangement and layout drawings of the reactor and validation test piping arrangement.

(ii) Description of the methods used to empirically validate the reactor.

(iii) Description of the dose monitoring equation for the reactor to achieve the target pathogen inactivation credit and related graphical plots showing how the equation was derived from measured doses obtained through validation testing under varying test conditions.

(iv) Range of validated conditions for flow, UVT, UV dose, and lamp status.

(v) Description and rationale for selecting the challenge organism used in validation testing, and analysis to define operating dose for pathogen inactivation credit.

(vi) Tabulated data, analysis, and [Q] quality assurance/quality control (QA/QC) measures during validation testing.

(vii) A licensed professional engineer's third party oversight certification indicating that the testing and data analyses in the validation report are conducted in a technically sound manner and without bias.

(viii) The validation report shall be accompanied with completed Checklists 5.1 through 5.5 included in the EPA Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule (2006 Final UVDGM).

#### (3) Design Criteria

(a) A water system considering UV disinfection shall gather sufficient water quality data prior to design. The water samples shall be representative of the source water to be treated by the UV facility. Frequent testing may be required if significant variation or seasonal trending in water quality is expected.

(b) The following water quality parameters shall be considered in UV facility planning:

(i) UV Transmittance or UV Absorbance

(ii) Calcium

(iii) Alkalinity

(iv) Hardness



- (v) Iron
- (vi) Manganese
- (vii) Turbidity
- (viii) pH
- (ix) Oxidation-Reduction Potential (ORP)
- (x) Particle content and algae

(c) The design flow rate and UVT used to size the UV system shall be selected to provide the required dose at least 95 percent of the time, accounting for seasonal variations of flow and UVT combinations. Specifying a matrix of flow and UVT conditions for the UV reactors may be necessary.

(d) The water system may consider increasing the delivered dose beyond the required UV dose listed in Table 215-5 in R309-215-15(19)(d) to provide flexibility and conservatism.

(e) UV reactor inlet and outlet configurations shall meet the validated hydraulic distribution of flow conditions or be more hydraulically conservative. This can be achieved using one of the following approaches:

(i) The inlet and outlet configuration shall meet one of the conditions specified in Section 3.6.2 of the 2006 Final UVDGM.

(ii) Computational fluid dynamics (CFD)-based modeling may be used to demonstrate that the given conditions of inlet and outlet piping with the UV installation provides equal or greater dose delivery. The CFD modeling shall be conducted at the minimum and maximum values of the validated range of flow, UVT, and lamp status.

(f) The UV disinfection system shall be capable of applying the required design dose with a failed or out-of-service reactor. The design shall account for an on-line backup UV reactor or an operating scheme to apply the design dose with one reactor out of service.

(g) It shall be possible to isolate each reactor for maintenance.

(h) Signals and alarms shall be provided for the operation of the UV facility for the parameters necessary for dose monitoring algorithm, such as low UV dose, high flow rate, low UVT, UVT monitoring failure, UV sensor failure, off specification event, Ground Fault Interrupt (GFI), high water temperature, and low water level.

(i) All materials used in constructing or coating the UV reactors that come in contact with water shall be certified NSF Standard 61 - Drinking Water System Components - Health Effects.

(j) Any chemicals used in the cleaning of the UV reactor components in contact with the drinking water such as quartz sleeves shall be certified as meeting the ANSI/NSF Standard 60 - Drinking Water Treatment Chemicals - Health Effects.

(k) A flow or time delay shall be provided to permit a sufficient time for tube warm-up, per manufacturer recommendations, before water flows from the unit upon start up. The flow or time delay shall be included in the design so they do not result in excessive off specification conditions.

(l) To ensure a continuous supply of power, a backup power supply of sufficient capacity shall be provided for the UV disinfection system. If power quality problems, such as frequent power interruptions or brownouts, or remote location with unknown power quality, [is]are anticipated, power conditioning equipment, such as uninterruptible power supply (UPS), shall be included in the design.

(m) The design shall include a redundant disinfection mechanism that will apply an approved primary disinfectant to achieve the CT or log removal/inactivation required for compliance if a UV facility is off specification or offline within a maximum response time of 15 minutes. One example of such response is to shut down the off-

specification UV train and either bring a parallel UV train on line or initiate a back-up primary disinfection system within 15 minutes, so the continuous duration of an off- specification event is limited to no more than 15 minutes.

(n) UV disinfection units rated at 30 gallons per minute or less shall be certified as meeting the ANSI/NSF Standard 55, Class A, or other equivalent or more stringent validation or certification standards that are deemed acceptable by the Director.

(o) The dose monitoring approach used for UV facility must be reviewed and accepted by the Director. Typically the calculated dose approach is suitable for large systems or systems with significant flow variation, and the UV intensity setpoint approach is for small systems or systems with fixed flow rate. The dose monitoring approaches need to be consistent with the guidelines stated in the 2006 Final UVDGM.

(p) If Programmable Logic Controller (PLC) or SCADA interface is used for UV reactor's process control, the programming shall be in accordance with the validated dose monitoring algorithm and the validated conditions. The algorithm shall use inputs of flow, UV intensity sensor readings, lamps status, and/or UVT equal to or more conservative than values measured during the operation of the UV system. If the measured UVT is above the validated range, the maximum validated UVT shall be used as the input to the dose algorithm. If the measured flow rate is below the validated range, the minimum validated flow rate shall be used as the input to the dose algorithm. If the dose algorithm uses relative lamp output determined from the UV intensity sensor readings as an input, the relative lamp output shall be based on the measured UVT, even if it exceeds the maximum validated UVT.

(q) The UV reactor's PLC or microprocessor shall be programmed to record off specification events for the following conditions:

- (i) Delivered UV dose less than the required dose,
- (ii) Flow greater than the validated range,
- (iii) UVT less than the validated range,
- (iv) Lamp status outside the validated range,
- (v) Failure of UV sensors, flow meters, or on-line UVT

monitors used in the dose calculation. Laboratory measurements of UVT may be used temporarily in the program until the on-line UVT monitor is repaired.

(4) Operation and Maintenance

The operation and maintenance tasks and the frequency of performing them can be specific to the UV equipment installed. The water systems with approved UV installations should follow the manufacturer's recommendation or the operation and maintenance guidelines stated in Section 6.2 through 6.5 of the 2006 Final UVDGM.

(a) Startup testing.

(i) The UV reactor manufacturer must provide a site-specific operation and maintenance manual, which shall include the procedure for starting up and shutting down the UV treatment system.

(ii) Provide schedules and performance standards for start-up testing and initial operation. Schedules shall include anticipated start-up date and proposed testing duration. Performance standards shall reference applicable regulations and specific equipment capabilities.

(iii) Operators shall receive site-specific training on the operation of the UV disinfection system.

(b) An incident plan shall be developed to address lamp breakage and release of mercury, response to alarms, power supply interruptions, activation of standby equipment, failure of systems, etc.

(c) To verify that the UV reactors are operated within the validated limits, selected parameters shall be monitored. The routine operation and maintenance shall include the monitoring and calibration requirements listed in R309-215-15(19) and (20) and are in accordance with the monitoring and reporting protocol approved by the Director. For very small UV systems, the Director may consider granting exception to allow reduced monitoring and reporting on a case-by-case basis.

### **R309-520-9. Ozone.**

#### (1) General Requirements.

(a) Ozone is approved as a primary disinfectant, but is not approved as a secondary disinfectant for the distribution system because of its rapid decomposition in aqueous solution. A different disinfectant approved for secondary disinfection must be used if a minimum disinfection residual is required in the distribution system. Ozone may also be used for taste and odor control, oxidation of inorganic and organic compounds and for enhanced performance of other water treatment processes such as microflocculation and filtration. Some of the requirements of this section may not be applicable if ozone is used only for reasons other than primary disinfection.

(b) Pilot studies or bench scale studies shall be conducted for all surface waters unless there is sufficient data available from other studies performed on the same water source. The studies shall determine the initial ozone demand, the rate of ozone decay, the minimum and maximum ozone dosages for the range of water conditions for disinfection "CT" compliance, and the ozone dosage required for other desired benefits. Pilot studies or bench scale studies shall take into account the seasonal and other variations of the source water. Plans for pilot studies or bench scale studies shall be reviewed and accepted by the Director prior to commencement of the studies.

#### (2) Ozone Generation.

(a) The ozone system should be designed with backup capability such that required inactivation can be achieved with one generator out of service.

(b) The ozone generators shall be housed in an enclosed temperature controlled building for protection. Adequate ventilation shall be provided in the building, and be capable of providing six or more air changes per hour when needed in case of an ozone leak.

(c) The ozone generators shall be of the medium or high frequency type.

(d) The power supply units for the ozone generators shall have a backup electrical power source, normally an emergency generator, or the system shall have an alternate primary disinfection system that may be used in case of an electrical power outage.

(e) The ozone generators shall be water-cooled with a maximum increase in cooling water temperature of 10 degrees F (5.6 degrees C). If necessary, the cooling water should be treated to minimize corrosion, scaling, and microbiological fouling of the water side of the tubes. A closed-loop cooling water system may be used to assure proper water conditions are maintained. The power supply units to the ozone generators may also be water cooled.

(f) The ozone generators shall comply with Section 3705 of Chapter 37, "Ozone Gas Generators," of the 2006 International Fire Code.

#### (3) Ozone Generator Feed Gas.

(a) Feed gas may be air, vaporized high purity liquid oxygen, or oxygen enriched air. Oxygen may be generated on-site or delivered in bulk. Oxygen-enriched air is typically generated on-site.

(b) The design of the feed gas system must ensure that the maximum dew point of the feed gas of -76 degrees F (-60 degrees C) is not exceeded at any time.

#### (c) Liquid Oxygen Feed Gas Systems.

(i) Liquid oxygen storage tanks shall be sized to provide a minimum of a 7-day supply to the ozone generators at the maximum operating rate.

(ii) There shall be two or more vaporizers to convert liquid oxygen to the gaseous form. Vaporizers must be capable of maintaining oxygen flow at the minimum design air temperature with one unit on standby.

(iii) Liquid oxygen storage tanks and system shall comply with Chapters 40, "Oxidizers," of the 2006 International Fire Code.

#### (d) Air or Oxygen Enriched Air Feed Gas Systems.

(i) There shall be two or more air compressors to supply air. The capacity of the compressors shall be such that the demand during maximum ozone production and for other compressed air uses at the treatment plant can be met when the largest compressor is out of service.

(ii) Entrainment separators, refrigeration dryers, desiccant dryers, and filters shall be used as necessary to provide a sufficiently dried, dust-free, and oil-free feed gas to the ozone generators. Multiple units of this equipment shall be used so that the ozone generation is not interrupted in the event of a breakdown.

#### (4) Ozone Contactors.

(a) An ozone contactor shall consist of two or more chambers to provide for introduction of ozone into the water and contact time. In a water treatment plant, ozone may be introduced in the raw water, or ozone may be introduced later in the process, such as to settled water after solids have been removed. An ozone contactor must be a closed vessel that is kept under less than atmospheric pressure to prevent escape of ozone gas. The materials of construction must be ozone-resistant to prevent premature failure of the contactor.

(b) Ozone gas may be injected into the water under positive pressure through bubble diffusers using porous-tube or dome diffusers. Alternatively, ozone gas may be injected into the water using side stream injection. This is where ozone gas is drawn into the side stream using negative pressure, which is generated in a pipe section with a venturi.

(c) An ozone contactor shall be designed to achieve a minimum transfer efficiency of 85 percent.

(d) Multiple sampling points shall be provided in an ozone contactor to enable sampling of treated water for purposes of determining an accurate measure of the concentration to be used in the "CT" disinfection calculation.

(e) A recommended minimum disinfection contact time is ten minutes.

(f) Ozone contactors shall have provision for cleaning, maintenance, and drainage of the contactor. Each contactor chamber shall be equipped with an access hatchway or other means of entry.

(g) An ozone contactor shall have an emergency off-gas pressure/vacuum relief system to prevent damage to the unit.

(h) A system must be provided for worker safety at the end of the ozone contactor for compliance with OSHA standards.

Specifically, ozone levels in the gas space above treated water that has exited the contactor must not exceed the established OSHA 8-hour exposure limit of 0.1 ppm. This system may be an ozone residual quenching system where a chemical is used to destroy remaining ozone in the water, or this system may be a monitoring system that provides sufficient time to lower the residual ozone level in the water by natural decay to an acceptable level. Any chemical used to quench residual ozone shall comply with ANSI/NSF Standard 60.

(5) Off-Gas Destruction Units.

(a) A system for treating the final off-gas from each ozone contactor must be provided in order to meet safety standards. Systems using thermal destruction or catalytic destruction may be used. At least two units shall be provided which are each capable of handling the entire off-gas flow.

(b) Exhaust blowers shall be provided in order to draw off-gas from the contactor into the destruction units.

(c) Provisions must be made to drain water from condensation in the off-gas piping and to protect the destruction units and piping from moisture and other impurities that may cause damage.

(d) The maximum allowable ozone concentration in the gas discharge from a destruction unit is 0.1 ppm by volume. Provisions may be made for temporary transient concentration spikes that may exceed this limit.

(6) Piping and Connections.

(a) Because ozone is a strong oxidant, consideration shall be given to piping materials used in ozone service. Generally, only low carbon 304L and 316L stainless steel should be used for ozone gas service.

(b) Connections on piping used for ozone service should be welded where possible. Threaded connections should be avoided for ozone gas piping because of their tendency to leak. Connections with meters, valves, or other equipment should be made with flanged joints with ozone-resistant gaskets.

(c) A positive-closing 90-degree turn isolation valve, or other equivalent means, shall be provided in the piping between an ozone generator and a contactor to prevent moisture from reaching the ozone generator during shutdowns.

(7) Instrumentation and Monitoring.

(a) A flow meter shall be provided to measure the flow rate of the water being treated. A temperature gauge or transmitter shall also be provided to measure the temperature of the water being treated. The pH shall also be measured to indicate changes in the water being treated.

(b) An ozone gas analyzer, a flow meter, and a temperature measurement shall be provided on the gaseous ozone feed line going to the ozone injection point.

(c) Ozone aqueous residual analyzers shall be provided to measure the ozone residual concentration in the water being treated in order to determine "CT" credit.

(d) An ozone gas analyzer shall be provided on the gas discharge of each ozone destruction unit, or combined vent gas discharge, to determine the exiting ozone concentration.

(e) Ambient ozone monitors shall be installed in the vicinity of the ozone generators, the ozone contactors, the ozone destruction units, and other areas where ozone gas may accumulate.

(f) A continuous dew point monitor shall be provided on the feed gas line to the ozone generators.

(g) Instrumentation such as pressure gauges, temperature gauges, flow meters, and power meters shall be provided as necessary

to monitor the feed gas system, ozone generators, power supply units, and cooling water to protect the equipment and monitor performance.

(8) Alarms and Shutdowns.

(a) An ambient ozone monitor shall be provided.

(b) The design shall include alarms and shutdowns.

(9) Safety.

(a) Training shall be provided to the operators of ozone systems by the manufacturers of the ozone equipment, or other professionals with experience in ozone treatment, to promote the safe operation of the systems.

(b) Appropriate signs shall be installed around ozone and liquid oxygen equipment to warn operators, emergency responders, and others of the potential dangers.

(c) A means shall be provided, such as portable purge air blowers and portable monitors, to reduce residual ozone levels in an ozone contactor or other equipment to safe levels prior to entry for repair, maintenance, or emergency.

(10) Operation and Maintenance.

(a) An ambient ozone monitor should activate an alarm when the ozone level exceeds 0.1 ppm. Because the natural ozone levels can exceed 0.1 ppm under certain atmospheric conditions, it is permissible to set the alarm level at a slightly higher level to avoid nuisance alarms. Ozone generator shutdown shall occur when ambient levels exceed 0.3 ppm in the vicinity of an ozone generator or a contactor. Operators of the water treatment system may set the alarm level and the shutdown level lower at their discretion. It is required that an ozone ambient monitor activates a local audible alarm and/or flashing light warning, in addition to an alarm at the operator control system panel.

(b) There shall be an alarm/shutdown to prevent the dew point of the feed gas exceeding the maximum of -76 degrees F (-60 degrees C).

(c) Alarms and shutdowns shall be programmed based on the pressure gauges, temperature gauges, flow meters, and power meters, to protect the feed gas system, ozone generators, power supply units, and cooling water system.

**R309-520-10. Chlorine Dioxide.**

~~[The p]~~Public water systems must take into consideration that chlorine dioxide and its byproducts may have similar effects as chloramines ~~[and the impact]~~ on sensitive populations. Chlorine dioxide should not be intentionally used as a secondary disinfectant. The water system must monitor the chlorine dioxide residuals and byproducts in the distribution system. If ~~the~~ chlorine dioxide residual ~~[enters]in~~ the distribution system ~~[and may results in impact on]~~ may affect sensitive populations, the public water system shall notify the public of the change, ~~[and/or the schedule for the change, particularly notification to s]~~ Sensitive populations [such as]include hospital[s] and kidney dialysis [facilities serving dialysis]patients. Sensitive industries include[ and] fisheries.

(1) Pre-design Proposal.

Proposals for the use of chlorine dioxide shall be discussed with the Division prior to the preparation of final plans and specifications. A water system must submit a detailed written proposal to the Director for review, including:

(a) The make, model, and specifications for proposed chlorine dioxide generator

(b) References of other U.S. potable water installations of the proposed unit

(c) Information on the operational and maintenance training program

(d) The expected total applied dosage of chlorine dioxide and other disinfectants as well as the points of application for all disinfectants and the type and amount of residuals and by-products expected in the distribution system

(2) Chlorine dioxide generators

(a) Chlorine dioxide generation should be designed to be efficient compared to industry standard, and production of excess chlorine shall be minimized.

(b) The generator shall not produce a solution with chlorine dioxide concentration more than 6,000 mg/L to minimize the explosion hazard.

(c) The design shall include capability to measure concentrations of chlorine dioxide, chlorite, chlorate, and free chlorine of the solution leaving the generator.

(d) The chlorine dioxide generator shall be equipped with a chlorine dioxide analyzer to measure the strength of the solution leaving the generator.

(e) Generators which use solid chlorite will not be allowed.

(3) Chlorine Dioxide Feed and Storage System

(a) Chlorine Dioxide Feed system.

(i) Use fiberglass reinforced vinyl ester plastic (FRP) or high density linear polyethylene (HDLPE) tanks with no insulation.

(ii) If centrifugal pumps are used, provide Teflon packing material. Pump motors must be totally enclosed, fan-cooled, equipped with permanently sealed bearings, and equipped with double mechanical seals or other means to prevent leakage.

(iii) Provide chlorinated PVC, vinyl ester or Teflon piping material. Do not use carbon steel or stainless steel piping systems.

(iv) Provide glass view ports for the reactor if it is not made of transparent material.

(v) Provide flow monitoring on all chemical feed lines, dilution water lines, and chlorine dioxide solution lines.

(vi) Provide a means to verify calibrated feed flow to each application feed point.

(vii) Control air contact with chlorine dioxide solution to limit potential for explosive concentrations building up within the feed facility.

(viii) All chlorite solutions shall have concentrations less than 30%. Higher strength solutions are susceptible to crystallization and stratification.

(b) Chlorine Dioxide Storage and Operating Area. The following requirements apply to the chlorite storage and chlorine dioxide day tank area.

(i) The chlorine dioxide facility shall be physically located in a separate room from other water treatment plant operating areas.

(ii) The chlorine dioxide area shall have a ventilation system separate from other operating areas.

(iii) Provision shall be made to ventilate the chlorine dioxide facility area and maintain the ambient air chlorine dioxide concentrations below the Permissible Exposure Limit (PEL).

(A) The ventilating fan(s) take suction near the floor, as far as practical from the door and air inlet, with the point of discharge so located as not to contaminate air inlets of any rooms or structures.

(B) Air inlets are provided near the ceiling.

(C) Air inlets and outlets shall be louvered.

(D) Separate switches for the fans are outside and near the entrance of the facility.

(iv) The area housing chlorine dioxide facility shall be constructed of non-combustible materials such as concrete.

(v) There shall be an ambient air chlorine dioxide sensor in the vicinity of the chlorine dioxide operating area. The ambient air chlorine dioxide readouts and alarm or warning light shall be audible and visible in the operating area and on the outside of the door to the operating area. The design shall include distinguishing audible alarms that are triggered by the ambient air chlorine dioxide sensor readings.

(vi) There shall be observation windows through which the operating area can be observed from outside the room to ensure operator safety.

(vii) Manual switches to the light in the operating area shall be located outside the door to the room.

(viii) There shall be an emergency shower and eyewash outside and close to the door to the operating area.

(ix) An emergency shutoff control to shut flows to the generator shall be located outside the operating area.

(x) The design shall minimize the possibility of chlorite leaks.

(xi) The chlorite tank and chlorine dioxide solution tank shall be vented to the outdoors away from any operating areas.

(xii) Gaseous chlorine feed to the chlorine dioxide generator shall enter the chlorine dioxide facility area through lines which can only feed to vacuum.

(xiii) The floor of the chlorine dioxide facility area shall slope to a sump.

(xiv) There shall not be any open drains in the chlorine dioxide operating area.

(xv) Provide secondary containments with sumps for chlorine dioxide storage, and chlorine dioxide solutions which can hold the entire volume of these vessels. This containment shall prevent these solutions from entering the rest of the operating area.

(xvi) Provide wash-down water within the operating area.

(xvii) The operating area shall be designed to avoid direct exposure to sunlight, UV light, or excessive heat.

(4) Other Design Criteria.

(a) Provide secondary containment, a sump, wash-down water, and a shower and eyewash at the bulk delivery transfer point.

(b) Finished water shall be used for chlorine dioxide generation.

(c) The finished water line to the chlorine dioxide generator shall be protected with a high hazard assembly.

(d) Provide a water supply near the storage and handling area for cleanup.

(e) The parts of the chlorine dioxide system in contact with the strong oxidizing or acid solutions shall be of inert material.

(f) The design shall provide the capability to shut off the chlorine dioxide operation remotely, i.e., from a location that is outside of the chlorine dioxide operating area.

(5) Operation and Maintenance.

(a) Do not store or handle combustible or reactive materials, such as acids, reduced metals, or organic material, in the chlorine dioxide operating area.

(b) Store chemicals in clean, closed, non-translucent containers.

(c) Personal protective equipment and first aid kits shall be stored at a nearby location that is outside the chlorine dioxide facility area.

(d) The temperature of the chlorine dioxide operating area shall be maintained between 60 and 100 degrees F.

(e) After delivery allow chlorite solutions to equalize with the ambient temperature of the operating area to avoid stratification.

(f) The Operating and Maintenance manual shall include operator safety and emergency response procedures. Personnel shall have ongoing training for operator safety and emergency response procedures.

(g) All wastes should be disposed of in accordance to any existing solid and hazardous waste regulations.

(h) The operating area should be inspected daily for chlorite spills and solid chlorite buildup. The daily inspections shall be logged.

(i) Chlorite leaks and solid chlorite buildup should be cleaned up and disposed of immediately.

(j) Solid chlorite should be washed down before removal.

(k) The ventilation system in the chlorine dioxide facility area shall be operated to maintain the ambient air chlorine dioxide concentrations below the Permissible Exposure Limit (PEL).

(l) Audible alarms shall be programmed to alert water treatment plant personnel when the ambient air chlorine dioxide sensor in the vicinity of the chlorine dioxide operating area detects the chlorine dioxide concentration above the Permissible Exposure Limit (PEL) and the Short Term Exposure Limit (STEL).

**R309-520-11. Chloramines.**

Proposals for the use of Chloramines as a disinfectant shall be discussed with the Division prior to the preparation of final plans and specifications.

**KEY: drinking water, primary disinfectants, secondary disinfectants, operation and maintenance**

**Date of Enactment or Last Substantive Amendment: [~~August 28, 2013~~2015]**

**Notice of Continuation: March 13, 2015**

**Authorizing, and Implemented or Interpreted Law: 19-4-104**

**Health, Children's Health Insurance  
Program  
R382-10  
Eligibility**

**NOTICE OF PROPOSED RULE  
(Amendment)**

**DAR FILE NO.: 39734  
FILED: 09/14/2015**

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the change is to clarify how the Department of Workforce Services (DWS) should address reportable changes during the Children's Health Insurance Program (CHIP) review process.

**SUMMARY OF THE RULE OR CHANGE:** This amendment clarifies reportable changes and how DWS should address

those changes during the CHIP review process. It also makes other technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-1-5 and Title 26, Chapter 40

**MATERIALS INCORPORATED BY REFERENCES:**

- ◆ Updates 42 CFR 457.805(b), published by Government Printing Office, 10/01/2015
- ◆ Updates 42 CFR 457.340, published by Government Printing Office, 10/01/2015

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this change only clarifies how DWS should address reportable changes during the CHIP review process.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not fund or provide CHIP services to CHIP recipients.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because this change only clarifies how DWS should address reportable changes during the CHIP review process.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to CHIP providers and to CHIP recipients because this change only clarifies how DWS should address reportable changes during the CHIP review process.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no impact to a single CHIP provider or to a CHIP recipient because this change only clarifies how DWS should address reportable changes during the CHIP review process.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no impact to business because it clarifies how DWS should address reportable changes during the review process and does not affect the services of CHIP providers.

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

HEALTH  
CHILDREN'S HEALTH INSURANCE PROGRAM  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

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

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R382. Health, Children's Health Insurance Program.**

**R382-10. Eligibility.**

**R382-10-4. Applicant and Enrollee Rights and Responsibilities.**

(1) A parent or an adult who assumes responsibility for the care or supervision of a child may apply or reapply for CHIP benefits on behalf of a child. A child who is independent may apply on his own behalf.

(2) If a person needs assistance to apply, the person may request assistance from a friend, family member, the eligibility agency, or outreach staff.

(3) The applicant must provide verification requested by the eligibility agency to establish the eligibility of the child, including information about the parents.

(4) Anyone may look at the eligibility policy manuals located on-line or at any eligibility agency office, except at outreach or telephone locations.

(5) If the eligibility agency determines that the child received CHIP coverage during a period when the child was not eligible for CHIP, the parent, child, or legal guardian who arranges for medical services on behalf of the child must repay the Department for the cost of services.

(6) The parent or child, or other responsible person acting on behalf of a child must report certain changes to the eligibility agency. ~~within ten calendar days of the day the change becomes known.~~

(a) The following changes are reportable within 10 calendar days of the day of the change:

(i[a]) An enrollee begins to receive coverage or to have access to coverage under a group health plan or other health insurance coverage;

(ii[b]) An enrollee leaves the household or dies;

(iii[e]) An enrollee or the household moves out of state;

(iv[d]) Change of address of an enrollee or the household;

and

(v[e]) An enrollee enters a public institution or an institution for mental diseases.

(b[7]) [The parent or child, or other responsible person acting on behalf of a child must report the following changes to the eligibility agency. These changes must be reported at a review involving enrollee participation, or within ten calendar days of the notice date that informs the enrollee of a completed ex parte review.] Certain changes are reportable as part of the review process if these changes occurred anytime during the certification period and before the 10-day notice due date in the review month. A change in the following must be reported as part of the review process for any household member:

(i[a]) [A new-]Income source;

(ii[b]) [A change in-]Gross income of \$25 or more;

(iii[e]) Tax filing status;

(iv[d]) Pregnancy or termination of a pregnancy;

(v[e]) Number of dependents claimed as tax dependents;

(vi[f]) Earnings of a child;

(vii[g]) Marital status; and

(viii[h]) Student status of a child under 24 years of age.

(Z[8]) An applicant and enrollee may review the information that the eligibility agency uses to determine eligibility.

~~(8[9])~~ An applicant and enrollee have the right to be notified about actions that the agency takes to determine their eligibility or continued eligibility, the reason the action was taken, and the right to request an agency conference or agency action as defined in Section R414-301-6 and Section R414-301-7.

~~(9[40])~~ An enrollee in CHIP must pay quarterly premiums to the agency, and co-payments[;] or co-insurance amounts to providers for medical services that the enrollee receives under CHIP.

**R382-10-10. Creditable Health Coverage.**

(1) To be eligible for enrollment in the program, a child must meet the requirements of Sections 2110(b) of the Compilation of Social Security Laws.

(2) A child who is covered under a group health plan or other health insurance that provides coverage in Utah, including coverage under a parent's or legal guardian's employer, as defined in 29 CFR 2590.701-4, July 1, 2013 ed., is not eligible for CHIP assistance.

(3) A child who has access to health insurance coverage, where the cost to enroll the child in the least expensive plan offered by the employer is less than 5% of the countable MAGI-based income for the individual, is not eligible for CHIP. The child is considered to have access to coverage even when the employer only offers coverage during an open enrollment period, and the child has had at least one chance to enroll.

(4) An eligible child who has access to an employer-sponsored health plan, where the cost to enroll the child in the least expensive plan offered by the employer equals or exceeds 5% of the countable MAGI-based income for the individual may choose to enroll in either CHIP or UPP.

(a) To enroll in UPP, the child must meet UPP eligibility requirements.

(b) If the UPP eligible child enrolls in the employer-sponsored health plan or COBRA coverage, but the plan does not include dental benefits, the child may receive dental-only benefits through CHIP.

(c) If the employer-sponsored health plan or COBRA coverage includes dental, the applicant may choose to enroll the child in the dental plan and receive an additional reimbursement from UPP, or receive dental-only benefits through CHIP.

(d) A child enrolled in CHIP who gains access to or enrolls in an employer-sponsored health plan may switch to the UPP program if the child meets UPP eligibility requirements.

(5) The cost of coverage ~~[is based upon the countable MAGI-based income for the individual's household and will-]includes~~ the following:

(a) the premium;

(b) a deductible, if the employer-sponsored plan has a deductible; and

(c) the cost to enroll the employee, if the employee must be enrolled to enroll the child.

(6) Subject to the provisions published in 42 CFR 457.805(b), October 1, 2013[5] ed., which the Department adopts and incorporates by reference, the eligibility agency shall deny eligibility and impose a 90-day waiting period for enrollment under CHIP if the applicant or a custodial parent voluntarily terminates health insurance that provides coverage in Utah within the 90 days before the application date. In addition, the agency may not apply a 90-day waiting period in the following situations:

- (a) a non-custodial parent voluntarily terminates coverage;
  - (b) the child is voluntarily terminated from insurance that does not provide coverage in Utah;
  - (c) the child is voluntarily terminated from a limited health insurance plan;
  - (d) a child is terminated from a custodial parent's insurance because ORS reverses the forced enrollment requirement due to the insurance being unaffordable;
  - (e) voluntary termination of COBRA;
  - (f) voluntary termination of Utah Comprehensive Health Insurance Pool coverage; or
  - (g) voluntary termination of UPP reimbursed, employer-sponsored coverage.
- (7) If the 90-day ineligibility period for CHIP ends in the month of application, or by the end of the month that follows, the eligibility agency shall determine the applicant's eligibility.
- (a) If eligible, enrollment in CHIP begins the day after the 90-day ineligibility period ends.
  - (b) If the 90-day ineligibility period does not end by the end of the month that follows the application month, the eligibility agency shall deny CHIP eligibility.
- (8) The Department shall comply with the provisions of enrollment after the waiting period in accordance with 42 CFR 457.340, October 1, 2013<sup>5</sup> ed., which the Department adopts and incorporates by reference.
- (9) A child with creditable health coverage operated or financed by Indian Health Services is not excluded from enrolling in CHIP.
- (10) A child who has access to state-employee health insurance as defined in 42 CFR 457.310 is not eligible for CHIP assistance.

**R382-10-18. Enrollment Period and Benefit Changes.**

- (1) Subject to the provisions in Subsection R382-10-18(2), a child determined eligible for CHIP receives 12 months of coverage that begins with the effective month of enrollment.
- (2) CHIP coverage may end or change before the end of the 12-month certification period if the child:
- (a) turns 19 years of age ~~before the end of the 12-month enrollment period~~;
  - (b) moves out of the state;
  - (c) becomes eligible for Medicaid;
  - (d) leaves the household;
  - (e) is not eligible, or is eligible for a different plan due to a change described in Subsection R382-10-4(6)(b); ~~[fails to respond to a request to verify access to employer-sponsored health coverage];~~
  - (f) begins to be covered under a group health plan or other health insurance coverage;
  - (g) gains access to state-employee health benefits as defined in 42 CFR 457.310;
  - (h) ~~[g]~~ enters a public institution or an institution for mental disease; ~~[s; or]~~
  - (i) fails to respond to a request to verify access to employer-sponsored health coverage;
  - (j) fails to respond to a request to verify reportable changes as described in Subsection R382-10-4(6)(b); or
  - (k) ~~[h]~~ does not pay the quarterly premium.
- ~~(3) The agency shall take the following actions on changes reported after an ex parte review is completed:~~

- ~~]~~ (3) ~~[a]~~ The agency ~~[shall]~~ evaluates changes and may re-determine eligibility when it receives a change report as described in Subsection R382-10-4(6). If the agency requests verification of the change, the agency shall give the client at least 10 days to provide verification. The agency shall provide proper notice of an adverse action. ~~[before the ten-day notice deadline in the review month;~~
- ~~(b) The agency shall process the reported change according to Subsections R382-10-18(5), (6) and (7) if the agency receives a change report after the ten-day notice deadline in the review month.~~
- ~~(4) If the agency cannot complete an ex parte review, the agency shall complete a regular review by requesting updated information from the client. The agency will act on all reported changes to re-determine eligibility up to the point of approving a new certification period. Subsections R382-10-18(5), (6) and (7) apply to changes reported after the regular review has been completed.]~~
- ~~(4) [5] [Certain changes affect an enrollee's eligibility during the 12-month certification period.] If a client reports a change that occurs during the certification period and requests a redetermination, the agency shall re-determine eligibility.~~
- (a) If an enrollee gains access to health insurance under an employer-sponsored plan or COBRA coverage, the enrollee may switch to UPP. The enrollee must report the health insurance within ~~[ten]~~10 calendar days of enrolling, or within ~~[ten]~~10 calendar days of when coverage begins, whichever is later. The employer-sponsored plan must meet UPP criteria.
- ~~(b) If the change would cause an adverse action, eligibility shall remain unchanged through the end of the certification period.~~
- ~~(c) [b] [If income decreases, the enrollee may report the income and request a redetermination.] If the change results in a better benefit, the agency shall take the following actions:~~
- ~~(i) If the change makes the enrollee eligible for Medicaid, the eligibility agency shall end CHIP eligibility and enroll the child in Medicaid.~~
- ~~[ (e) If income increases during the certification period, eligibility remains unchanged through the end of the certification period.~~
- ~~]~~ ~~(ii) [6] [The agency shall re-determine eligibility if a family reports a decrease in income and requests a redetermination during the certification period. A decrease in the premium.] If the change results in a lower premium, the decrease is effective as follows:~~
- ~~(A) [a] The premium change is effective the month of report if income decreased that month and the family provides timely verification of income;~~
- ~~(B) [b] The premium change is effective the month following the report month if the decrease in income is for the following month and the family provides timely verification of income;~~
- ~~(C) [e] The premium change is effective the month in which verification of the decrease in income is provided, if the family does not provide timely verification of income.~~
- ~~(5) [7] Failure to make a timely report of a reportable change may result in an overpayment of benefits and case closure.~~
- KEY: children's health benefits**  
**Date of Enactment or Last Substantive Amendment: [April 1,] 2015**  
**Notice of Continuation: May 9, 2013**  
**Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-40**

Health, Disease Control and  
Prevention, Environmental Services  
**R392-302**  
Design, Construction and Operation of  
Public Pools

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39723

FILED: 09/10/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify that above ground pools may be allowed as public pools. This change also updates the citations to authorizing statutes.

**SUMMARY OF THE RULE OR CHANGE:** Changed the definition of "Pool" and "Public Pool" to make clear that above ground pools are allowed. This change cites Sections 26-1-5 and 26-1-30 in addition to Section 26-15-2 as the authorizing statutes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-1-30 and Section 26-1-5 and Section 26-15-2

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings at the state level. Any costs or savings will come out of existing budgets.
- ◆ **LOCAL GOVERNMENTS:** Costs or savings for local health departments are not anticipated. Any costs or savings will come out of existing budgets. There are no anticipated costs or savings for existing facilities currently in compliance with this rule.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings for existing facilities currently in compliance with this rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings for existing facilities currently in compliance with this rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Costs or savings singular to any one person are not anticipated.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There will be no fiscal impact upon business because it neither impose additional compliance requirements nor reduce any requirements upon existing businesses.

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

HEALTH  
DISEASE CONTROL AND PREVENTION,  
ENVIRONMENTAL SERVICES  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ronald Marsden by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at [rmarsden@utah.gov](mailto:rmarsden@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R392. Health, Disease Control and Prevention, Environmental Services.**

**R392-302. Design, Construction and Operation of Public Pools.**

**R392-302-1. Authority and Purpose of Rule.**

This rule is authorized under Sections 26-1-5, 26-1-30 and 26-15-2. It establishes minimum standards for the design, construction, operation and maintenance of public pools.

**R392-302-2. Definitions.**

The following definitions apply in this rule.

- (1) "Bather Load" means the number of persons using a pool at any one time or specified period of time.
- (2) "Cleansing shower" means the cleaning of the entire body surfaces with soap and water to remove any matter, including fecal matter, that may wash off into the pool while swimming.
- (3) "Department" means the Utah Department of Health.
- (4) "Executive Director" means the Executive Director of the Utah Department of Health, or his designated representative.
- (5) "Facility" means any premises, building, pool, equipment, system, and appurtenance which appertains to the operation of a public pool.
- (6) "Float Tank" means a tank containing a skin-temperature solution of water and Epsom salts at a specific gravity high enough to allow the user to float supine while motionless and require a deliberate effort by the user to turn over and that is designed to provide for solitary use and sensory deprivation of the user.
- (7) "Gravity Drain System" means a pool drain system wherein the drains are connected to a surge or collector tank and rather than drawing directly from the drain, the circulation pump draws from the surge or collector tank and the surface of the water contained in the tank is maintained at atmospheric pressure.
- (8) "High Bather Load" means 90% or greater of the designed maximum bather load."



(9) "Hydrotherapy Pool" means a pool designed primarily for medically prescribed therapeutic use.

(10) "Illuminance Uniformity" means the ratio between the brightest illuminance falling on a surface compared to the lowest illuminance falling on a surface within an area. The value of illuminance falling on a surface is measured in foot candles.

(11) "Interactive Water Feature" means a recirculating water feature designed, installed or used for recreational use, in which there is direct water contact from the feature with the public, and when not in operation, all water drains freely so there is no ponding.

(12) "Lamp Lumens" means the quantity of light, illuminance, produced by a lamp.

(13) "Lifeguard" means an attendant who supervises the safety of bathers.

(14) "Living Unit" means one or more rooms or spaces that are, or can be, occupied by an individual, group of individuals, or a family, temporarily or permanently for residential or overnight lodging purposes. Living units include motel and hotel rooms, condominium units, travel trailers, recreational vehicles, mobile homes, single family homes, and individual units in a multiple unit housing complex.

(15) "Local Health Officer" means the health officer of the local health department having jurisdiction, or his designated representative.

(16) "Pool" means a man-made basin, chamber, receptacle, tank, or tub, above ground or in-ground, which, when filled with water, creates an artificial body of water used for swimming, bathing, diving, recreational and therapeutic uses.

(17) "Pool Deck" means the area contiguous to the outside of the pool curb, diving boards, diving towers and slides.

(18) "Pool Shell" means the rigid encasing structure of a pool that confines the pool water by resisting the hydrostatic pressure of the pool water, resisting the pressure of any exterior soil, and transferring the weight of the pool water (sometimes through other supporting structures) to the soil or the building that surrounds it.

(19) "Private Residential Pool" means a swimming pool, spa pool or wading pool used only by an individual, family, or living unit members and guests, but not serving any type of multiple unit housing complex of four or more living units.

(20) "Public Pool" means a swimming pool, spa pool, wading pool, or special purpose pool facility which is not a private residential pool and may be above ground or in-ground.

(21) "Saturation Index" means a value determined by application of the formula for calculating the saturation index in Table 5, which is based on interrelation of temperature, calcium hardness, total alkalinity and pH which indicates if the pool water is corrosive, scale forming or neutral.

(22) "Spa Pool" means a pool which uses therapy jet circulation, hot water, cold water, bubbles produced by air induction, or any combination of these, to impart a massaging effect upon a bather. Spa pools include, spas, whirlpools, hot tubs, or hot spas.

(23) "Special Purpose Pool" means a pool with design and operational features that provide patrons recreational, instructional, or therapeutic activities which are different from that associated with a pool used primarily for swimming, diving, or spa bathing.

(24) "Splash Pool" means the area of water located at the terminus of a water slide or vehicle slide.

(25) "Swimming Pool" means a pool used primarily for recreational, sporting, or instructional purposes in bathing, swimming, or diving activities.

(26) "Surge Tank" means a tank receiving the gravity flow from an overflow gutter and main drain or drains from which the circulation pump takes water which is returned to the system.

(27) "Turnover" means the circulation of a quantity of water equal to the pool volume through the filter and treatment facilities.

(28) "Vehicle Slide" means a recreational pool where bathers ride vehicles, toboggans, sleds, etc., down a slide to descend into a splash pool.

(29) "Unblockable Drain" means a drain of any size or shape such that a representation of the torso of a 99 percentile adult male cannot sufficiently block it to the extent that it creates a body suction entrapment hazard.

(30) "Wading Pool" means any pool or pool area used or designed to be used by children five years of age or younger for wading or water play activities.

(31) "Water Slide" means a recreational facility consisting of flumes upon which bathers descend into a splash pool.

.....

**KEY: pools, spas, water slides**  
**Date of Enactment or Last Substantive Amendment: [~~February 14, 2014~~2015]**  
**Notice of Continuation: January 20, 2012**  
**Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-30; 26-15-2**

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

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 39732  
 FILED: 09/14/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being amended to clarify what living circumstances are not a recovery residence as noted in definition. The amendment also includes an update to health and safety language for clients receiving services in a licensed recovery residence program.

**SUMMARY OF THE RULE OR CHANGE:** This is a proposed amendment to the rule that initially went into effect in 12/22/2014. It is based on stakeholder feedback. The proposed amendment clarifies what a recovery residence is not. In addition the amendment will update requirements for program staffing, recovery residence oversight, client contacts, and physical facility safety requirements.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** It is not anticipated that this amendment to rule will have any change on state government budget. It does not change state duties or workload, but simply provides clarification.

◆ **LOCAL GOVERNMENTS:** It is not anticipated that this amendment to rule will have any change on local government budget.

◆ **SMALL BUSINESSES:** It is not anticipated that this amendment to rule will have any significant change for small businesses. Organizations that hold a recovery residence license with the Office of Licensing will have to come into compliance with this rule, however, that will require only minimal effort and cost.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule establishes requirements only for recovery residence programs, it will have no impact on other persons or entities.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Any compliance costs will be limited to recovery residence programs. Other costs incurred are related to doing business as a recovery residence program. The requirements related to these updates are comparable to other similar licenses.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule will have no impact to small business.

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

HUMAN SERVICES  
ADMINISTRATION, ADMINISTRATIVE SERVICES,  
LICENSING  
195 N 1950 W 1ST FLR  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov

◆ John Ortiz by phone at 801-374-7672, by FAX at 801-538-4553, or by Internet E-mail at jortiz@utah.gov

◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhonesrobbins@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY: Diane Moore, Director**

**R501. Human Services, Administration, Administrative Services, Licensing.****R501-18. Recovery Residence Services.****R501-18-1. Authority.**

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

**R501-18-2. Purpose.**

This rule establishes:

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

**R501-18-3. Definitions.**

(1)(a) "Recovery residence" is as defined in Subsection 62A-2-101(22).

(b) "Recovery residence" does not include a home which is occupied only by peers who:

(i) govern themselves democratically in an unsupervised environment;

(ii) are not accountable to compensated staff, managers, or program owners; and

(iii) whose rent and utility expenses are equitably shared.

(2) "SUD" means Substance Use Disorder.

**R501-18-4. Legal Requirements.**

(1) A recovery residence shall comply with this R501-18 and:

- (a) R501-1, General Provisions;
- (b) R501-2, Core Rules;
- (c) all applicable local, state, and federal laws.

(2) Prior to offering any residential treatment services, a recovery residence shall comply with R501-19 and obtain a residential treatment license.

(3) A recovery residence shall comply with the Americans with Disabilities Act.

(4) A recovery residence shall only serve adults.

**R501-18-5. Administration.**

(1) The recovery residence shall ensure that clients receive supportive services from a person associated with the licensee or from a licensed professional. Supportive services include but are not limited to:

- (a) vocational services;
- (b) peer support;
- (c) skills training;
- (d) community resource referral.

(2) A list of current clients shall be maintained on-site at all times and available to the Department of Human Services Office of Licensing upon request.

**R501-18-6. Staffing.**

(1) The recovery residence shall have an identified recovery residence director(s) who shall have at least one of the following:

- (a) a minimum of two years of documented administrative experience in recovery residence;

(b) a minimum of two years documented substance use disorder treatment;

(c) a minimum of two year documented recovery support services; or

(d) minimum Utah licensure as a substance use disorder counselor, licensed clinical social worker or equivalent.

(2) The director's responsibilities that shall not be delegated include:

(a) policy and procedure implementation and oversight;

(b) quality assurance plan implementation and oversight;

(c) training curriculum;

(d) supervision of staff;

(e) oversight of client activities;

(f) ensure continual compliance with local, state and federal laws;

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

(h) ensure that the program is fiscally sound;

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

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

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

~~[(2)](3)~~ The recovery residence director may employ a manager ~~[, who may be a client,]~~ to work under the supervision of the director.

~~(a)~~ The manager may be responsible for the day-to-day staff, volunteer, and client supervision and operation of the facility.

~~(b)~~ The responsibilities of the manager shall be clearly defined in the recovery residence policies and procedures.

~~(c)~~ Whenever the manager is on leave (vacation, sick, etc.), the director shall designate a substitute to assume managerial responsibility.

~~(d)~~ The recovery residence director, whether physically present or not, shares responsibility for the acts and omissions of the manager.

~~[(3)](4)~~ The recovery residence shall provide each director, recovery residence manager, substitute, and staff, ~~[including clients]~~ serving in those capacities, with a minimum of:

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

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

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

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

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

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

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

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

]

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

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

~~[(b)]a~~ shall have a residence director, manager or substitute on-site a minimum of 7 days per week in order to assess safety and support clients. These visits shall be ~~[scheduled and]~~ documented, and shall be per site not per client~~[-]~~. Documented visits shall assess general safety, including but not limited to: general cleanliness checks; verification that only admitted residence are residing at the site; no presence of alcohol or substances of abuse that are not lawfully prescribed; and medications are properly secured in locked storage.

~~[(e)]b~~ shall have a residence director, manager or substitute have daily client contact with each admitted client. Daily contacts are not required to be face to face. These contacts shall be documented;

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

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

(7) The recovery residence shall have a written:

(a) emergency plan posted and available to clients;

(b) grievance procedure posted and available to clients.

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

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

(a) a licensed physician; and/or

(b) a licensed psychiatrist; and/or

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

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

**R501-18-7. Direct Service.**

(1) This subsection supersedes the Record Keeping section of Core Rules, [Section—]R501-2[-5]. The recovery residence client records shall contain the following:

- (a) name, address, telephone number, email;
- (b) admission date;
- (c) emergency contact information with names, address, email, and telephone numbers;
- (d) an intake application and assessment indicating that the client meets the admission criteria;
- (e) individual recovery plan, including the signature and title of the persons preparing the recovery plan and the signature of the client;
- (f) documentation of services provided, including the signature and title of the persons providing recovery residence services;
- (g) documentation of supportive services not directly associated with the recovery residence;
- (h) the signed written lease agreement for the recovery residence;
- (i) signed crisis intervention reports;
- (j) the recovery residence's client recovery plan shall offer and document individualized and supportive services;
- (k) treatment is not a required component of a recovery residence. However, off-site treatment referrals shall be made available upon request. On-site treatment and other services must first be licensed in accordance with applicable Office of Licensing categorical rules;
- (l) clients will be notified prior to admission regarding their responsibilities related to the transportation and location of off-site services.

**R501-18-8. Physical Environment.**

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

- (a) local zoning ordinances;
  - (b) local business license requirements;
  - (c) local building codes;
  - (d) local fire safety regulations;
  - (e) local health codes; and
  - (f) local approval from the appropriate government agency for new program services or increased client capacity.
- (2) Building and Grounds:
- (a) the recovery residence shall ensure that the appearance, safety and cleanliness of the building and grounds are maintained.

**R501-18-9. Physical Facility.**

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

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

(3) Bathrooms:

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

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

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

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

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

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

(4) Sleeping Accommodations:

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

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

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

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

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

(f) If a fire clearance is not required from the local fire authority, a bedroom on the ground floor shall have a minimum of one window that may be used to evacuate the room in case of fire;

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

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

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

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

(5) Weapons Safety:

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

(6) Laundry Service:

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

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

**R501-18-10. Food Service.**

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

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

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

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

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

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

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

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

**R501-18-11. Medical Standards.**

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

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

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

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

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

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

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

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

**R501-18-12. Hazardous Chemicals and Materials.**

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

**R501-18-13. Compliance.**

Any licensee that is in operation on the effective date of this rule shall be given 30 days after the effective date to achieve compliance with this rule.

**KEY: licensing, human services, recovery residence**

**Date of Enactment or Last Substantive Amendment:**  
~~December 22, 2014~~ 2015

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

**Insurance, Administration**  
**R590-260**  
**Utah Defined Contribution Risk**  
**Adjuster Plan of Operation**

**NOTICE OF PROPOSED RULE**  
 (Amendment)

DAR FILE NO.: 39754

FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The change is meant to update the rule to reflect the current operations of the Risk Adjuster Board.

**SUMMARY OF THE RULE OR CHANGE:** The change specifies the date on which the commissioner adopted the Utah Defined Contribution Risk Adjuster Plan of Operation and eliminates the rule's enforcement date.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 31A-42-204

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There is no cost or savings to the state budget because the change merely updates the rule to reflect the current operations of the Risk Adjuster Board.

◆ **LOCAL GOVERNMENTS:** There is no cost or savings to local government because the change merely updates the rule to reflect the current operations of the Risk Adjuster Board.

◆ **SMALL BUSINESSES:** There is no cost or savings to small businesses because the change merely updates the rule to reflect the current operations of the Risk Adjuster Board.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost or savings to any other persons because the change merely updates the rule to reflect the current operations of the Risk Adjuster Board.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for any affected persons. The

change only updates the rule to reflect the current operations of the Risk Adjuster Board.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact to any businesses or any other entities. The reason for the change is to update the rule to align with the current operations of the Risk Adjuster Board.

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)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Todd Kiser, Commissioner

---

**R590. Insurance, Administration.**

**R590-260. Utah Defined Contribution Risk Adjuster Plan of Operation.**

**R590-260-1. Authority.**

This rule is promulgated by the insurance commissioner pursuant to Section 31A-42-204, wherein the commissioner shall adopt the Utah Defined Contribution Risk Adjuster Plan of Operation.

**R590-260-2. Purpose.**

The purpose of this rule is to adopt the Utah Defined Contribution Risk Adjuster Plan of Operation as required by Section 31A-42-204.

**R590-260-3. Plan of Operation.**

The commissioner adopts the Utah Defined Contribution Risk Adjuster Plan of Operation as of August 25, 2015, that is available at the department and on line at <http://www.insurance.utah.gov/legalresources/currentrules.html>.

**R590-260-4. [Enforcement Date.**

~~The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

**R590-260-5. [Penalties.**

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

**R590-260-[6]5. Severability.**

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: risk adjuster plan operation**

**Date of Enactment or Last Substantive Amendment:** ~~[March 22, 2011]~~ **2015**

**Authorizing, and Implemented or Interpreted Law:** 31A-42-204

---

**Insurance, Administration**  
**R590-272**  
**Commission Compensation Reporting**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 39755

FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule was the result of new legislation requiring a new reporting process for compensation paid to producers on large customer health benefit plan transactions.

**SUMMARY OF THE RULE OR CHANGE:** The rule educates producers, consultants and affiliate producers on how to report annually on compensation received or due on large customer/employer health benefit plans. It tells producers, consultants, and affiliate producers what disclosure information is required and provides a sample form.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 31A-2-201(3) and Subsection 31A-23a-501(4)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** Once the process is in place, the state could benefit from a reduction in complaints and phone calls. This could free up FTEs for more critical issues.

♦ **LOCAL GOVERNMENTS:** There will be no cost or savings to local government because the rule governs a reporting mechanism between individual producers and the state.

♦ **SMALL BUSINESSES:** Small business could be affected because the insurance producers required to report could be part of a small business. The reporting process could cause a minimal increase in time spent on reporting.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Large employers will benefit from the reporting because the reports are provided to them to understand all of the expenses involved in a health benefit plan purchase. Large

insurance agencies may have a larger cost attributed to the reporting process.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no compliance cost for any affected persons. The reporting process has no required cost associated with it.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Reporting is a cost of doing business when associated with a large customer or employer in the insurance industry. This reporting will provide greater transparency to the purchaser, so they will know all commission compensation paid to the producer or agency on a sales transaction.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Todd Kiser, Commissioner

**R590. Insurance, Administration.**  
**R590-272. Commission Compensation Reporting.**  
**R590-272-1. Authority.**

This rule is promulgated pursuant to Subsections 31A-2-201(3) and 31A-23a-501(4) that authorizes the commissioner to adopt a rule to educate producers, consultants, and affiliates of producers how to provide an annual accounting of commission compensation as a result of the sale or placement of a health benefit plan from an insurer or a third party administrator to a large customer.

**R590-272-2. Scope.**

This rule applies to all producers, consultants, and affiliates of producers selling or placing a large customer health benefit plan coverage.

**R590-272-3. Purpose.**

The purpose of this rule is to create a format to provide an annual reporting of commission compensation from an insurer or a third party administrator associated with the sale or placement of a health benefit plan to a large customer.

**R590-272-4. Annual Accounting of All Compensation for Sale or Placement of a Large Customer Health Benefit Plan.**

(1) Any producer, consultant, or affiliate of a producer selling or placing a health benefit plan to a large customer, shall provide the large customer an annual accounting of all commission compensation that has been received or shall be received from an insurer or third party administrator as the result of a sale or placement.

(2) The accounting shall be provided within fifteen days following the last day of the plan year.

(3) A copy of this annual accounting must be kept on file from inception until three years after the completion of the contract, and must be made available upon request of the commissioner.

(4) The annual accounting must include, at minimum:

(a) the following:

(i) plan sponsor;

(ii) name of plan;

(iii) name and address of the plan administrator;

(iv) name of the insurance company;

(v) effective date of the plan;

(vi) number of active participants at beginning of the plan year;

(vii) total commission compensation paid or due during the plan year, and shall include on separate reporting lines:

(A) commissions;

(B) overrides;

(C) bonuses;

(D) contingent bonuses; or

(E) contingent commissions; and

(F) the name and address of each producer, consultant or affiliate to whom commissions are paid or due; and

(viii) signature lines for the plan administrator and the employer/plan sponsor for each producer, consultant or affiliate declaration; or

(b) a completed Department of the Treasury Internal Revenue Form 5500(2014), Annual Return / Report of Employee Benefit Plan, version 140124.

(5) Each item listed in R590-272-4(4)(a)(vii) shall be separately identified in the report.

(6) A sample form, The Large Customer Compensation Disclosure Form, is available at the department and online at <http://www.insurance.utah.gov/legalresources/currentrules.html>.

**R590-272-5. Enforcement Date.**

The commissioner will begin enforcing the provisions of this rule 45 days from the rule's effective date.

**R590-272-6. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: agency compensation, agent compensation, insurance, producer compensation**

**Date of Enactment or Last Substantive Amendment: 2015**

**Authorizing, and Implemented or Interpreted Law: 31A-2-201(3); 31A-23a-501(4)**

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

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39719

FILED: 09/08/2015

**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 tenrec (Tenrecidae) from "controlled for collection, importation, and possession" to "uncontrolled."

**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 possession of Tenrecs. 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 possession of tenrecs. Therefore, this rule does not impose any additional financial requirements small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments make the necessary classification changes to allow for the possession of tenrecs. 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 allow for the possession of tenrecs and removes the classification from Rule R657-3. 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 11/02/2015**

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

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.

### R657-3-2. Species Not Covered by This Rule.

The following species of animals are not governed by this rule:

- (1) Alpaca (*Lama pacos*);
- (2) Ass or donkey (*Equus asinus*);
- (3) American bison, privately owned (*Bos bison*);
- (4) Camel (*Camelus bactrianus* and *Camelus dromedarius*);
- (5) Cassowary (All species)(*Casuaris*);
- (6) Cat, domestic, including breeds that are recognized by The International Cat Association as Preliminary New, Advanced New, Non-championship, and Championship Breeds (*Felis catus*);
- (7) Cattle (*Bos taurus taurus*);
- (8) Chicken (*Gallus gallus*);
- (9) Chinchilla (*Chinchilla laniger*);
- (10) Dog, domestic including hybrids between wild and domestic species and subspecies (*Canis familiaris*);
- (11) Ducks distinguishable morphologically from wild birds (*Anatidae*);
- (12) Elk, privately owned (*Cervus elaphus canadensis*);
- (13) Emu (*Dromaius novaehollandiae*);
- (14) Ferret or polecat, European (*Mustela putorius*);
- (15) Fowl (guinea) (*Numida meleagris*);
- (16) Fox, privately owned, domestically bred and raised (*Vulpes vulpes*);
- (17) Geese, distinguishable morphologically from wild geese (*Anatidae*);
- (18) "Gerbils" or Mongolian jirds (*Meriones unguiculatus*);
- (19) Goat (*Capra hircus*);
- (20) Hamster (All species) (*Mesocricetus* spp.);
- (21) Hedgehog (white bellied)(*Erinaceidae atelerix albiventris*)
- (22) Horse (*Equus caballus*);
- (23) Llama (*Lama glama*);
- (24) American Mink, privately owned, ranch-raised (Neovison vision);
- (25) Mouse, house (*Mus musculus*);
- (26) Mule and hinny (hybrids of *Equus caballus* and *Equus asinus*);
- (27) Ostrich (*Struthio camelus*);
- (28) Peafowl (*Pavo cristatus*);
- (29) Pig, guinea (*Cavia porcellus*);
- (30) Pigeon (*Columba livia*);
- (31) Rabbit, European (*Oryctolagus cuniculus*);
- (32) Rats, Norway and Black (*Rattus norvegicus* and *Rattus rattus*);
- (33) Rhea (*Rhea americana*);
- (34) Sheep (*Ovis aries*);
- (35) Sugar glider (*Petaurus breviceps*);
- (36) Swine, domestic (*Sus scrofa domesticus*);
- (37) Tenrec (*Tenrecidae*);
- (38) Turkey, privately owned, pen-raised domestic varieties (*Meleagris gallopavo*). Domestic varieties means any turkey or turkey egg held under human control and which is imprinted on other poultry

or humans and which does not have morphological characteristics of wild turkeys;

- ([38]39) Water buffalo (*Bubalis arnee*);
- ([39]40) Yak (*Bos mutus*); and
- ([40]41) Zebu, or "Brahma" (*Bos taurus indicus*)

### 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 madagasciense*) family Daubentonidae is prohibited for collection, importation and possession;

(v) Bush babies, pottos and lorises, (All species) family Loridae 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:** [~~May 8,~~ 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 R657-6 Taking Upland Game

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39717

FILED: 09/08/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the upland game program as approved by the Wildlife Board.

**SUMMARY OF THE RULE OR CHANGE:** The proposed revisions: 1) no longer restrict the possession of firearms; 2) ensure the rule is consistent with other Utah firearm laws; and 3) restrict the discharge of firearms on specified wildlife management areas (WMAs) listed in the Guidebook for Taking Upland Game during open seasons or as authorized by Certificate of Registration or for lawful purposes of self-defense.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** This amendment ensures the rule is consistent with Utah firearm laws and it does not make any changes to the process or employee workload; therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment has minimal impact on individual hunters and no impact on the local governments, the division finds that this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment allows this rule to be consistent with other Utah firearm laws and therefore does not have the potential to generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment allows this rule to be consistent with other Utah firearm laws and therefore does not have the potential to generate a cost or savings impact to sportsmen or the other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this amendment will not create additional costs for those who participate in wildlife related activities in Utah.

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 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Gregory Sheehan, Director

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

##### **R657-6. Taking Upland Game.**

##### **R657-6-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking upland game.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

##### **R657-6-8. Use of Firearms, Crossbows and Archery Tackle on State Wildlife Management Areas.**

(1) A person may not ~~possess~~discharge a firearm, ~~[a]~~ crossbow, or archery tackle~~], except during the specified hunting seasons or as authorized by the Division on the following wildlife management areas: ]~~ on the Bear River Trenton Property Parcel, Browns Park, Bud Phelps, Huntington, James Walter Fitzgerald, Kevin Conway, Manti Meadows, Montes Creek, Nephi, Pahvant, Redmond Marsh, Roosevelt, Scott M. Matheson Wetland Preserve, Stewart Lake, Vernal, and Willard Bay~~]. Wildlife Management areas during any time of year, except:~~

~~(2) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code,~~

~~provided the person is not utilizing the concealed firearm to hunt or take wildlife.]~~ a) the use of authorized weapons as provided in Utah Admin. Code R657-6-6 during open hunting seasons for lawful hunting activities;

~~\_\_\_\_\_~~ (b) as otherwise authorized by the Division in special use permit, certificate of registration, administrative rule, proclamation, or an order of the Wildlife Board; or

~~\_\_\_\_\_~~ (c) for lawful purposes of self-defense.

##### **R657-6-9. Use of Firearms, Crossbows, and Archery Tackle on State Waterfowl Management Areas.**

(1) A person may not ~~possess~~discharge a firearm, crossbow, or archery tackle~~], except during the specified waterfowl hunting seasons or as authorized by the Division on the following waterfowl management areas: ]~~ on the Bicknell Bottoms, Blue Lake, ~~[Browns]~~Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart Lake, Timpie Springs~~]; and Topaz[. ]~~ Waterfowl Management areas during any time of the year, except:

~~\_\_\_\_\_~~ (2) During the waterfowl hunting seasons, a shotgun is the only firearm that may be held in possession.

~~\_\_\_\_\_~~ (3) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

~~\_\_\_\_\_~~ (a) the use of authorized weapons as provided in Utah Admin. Code R657-9-7 during open waterfowl hunting seasons for lawful hunting activities;

~~\_\_\_\_\_~~ (b) as otherwise authorized by the Division in special use permit, certificate of registration, administrative rule, proclamation, or an order of the Wildlife Board; or

~~\_\_\_\_\_~~ (c) for lawful purposes of self-defense.

**KEY: wildlife, birds, rabbits, game laws**

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

**Notice of Continuation:** June 8, 2015

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

## Natural Resources, Wildlife Resources

### **R657-9**

### Taking Waterfowl, Common Snipe and Coot

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

(Amendment)

DAR FILE NO.: 39718

FILED: 09/08/2015

**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 annually for taking public input and reviewing the division's waterfowl program.

**SUMMARY OF THE RULE OR CHANGE:** The proposed revisions: 1) no longer restrict the possession of firearms; 2) ensure the rule is consistent with other Utah firearm laws; and 3) restrict the discharge of firearms on specified wildlife management areas (WMAs) listed in the Guidebook for Taking Waterfowl during open seasons or as authorized by Certificate of Registration or for lawful purposes of self-defense.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** This amendment ensures the rule is consistent with Utah firearm laws and it does not make any changes to the process or employee workload therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment has minimal impact on individual hunters and no impact on the local governments, the division finds that this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment allows this rule to be consistent with other Utah firearm laws and therefore does not have the potential to generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment allows this rule to be consistent with other Utah firearm laws and therefore does not have the potential to generate a cost or savings impact to sportsmen or the other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** DWR determines that this amendment will not create additional costs for those who participate in wildlife-related activities in Utah.

**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 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY: Gregory Sheehan, Director**

**R657. Natural Resources, Wildlife Resources.****R657-9. Taking Waterfowl, Wilson's Snipe and Coot.****R657-9-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, Wilson's snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

**R657-9-9. Use of Weapons on State Waterfowl Management Areas.**

(1) A person may not ~~[possess]~~discharge a firearm, crossbow, or archery tackle on the ~~[following waterfowl management areas any time of the year except during the specified waterfowl hunting seasons or as authorized by the division:]~~ Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart's Lake, Timpie Springs and Topaz~~[-].~~ Waterfowl Management areas during any time of the year, except:

~~[(2) During the]~~(a) the use of authorized weapons as provided in Utah Admin. Code R657-9-7 during waterfowl hunting seasons[-, a shotgun is the only firearm that may be in possession, except as provided in Rule R657-12-] for lawful hunting activities;

(b) as otherwise authorized by the Division in special use permit, certificate of registration, administrative rule, proclamation, or order of the Wildlife Board; or

~~[(3) The firearm restrictions set forth in this section do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife;-]c) for lawful purposes of self-defense.~~

**KEY: wildlife, birds, migratory birds, waterfowl**

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

**Notice of Continuation: August 16, 2011**  
**Authorizing, and Implemented or Interpreted Law: 23-14-19;**  
**23-14-18; 50 CFR part 20**

## Natural Resources, Wildlife Resources

# R657-10

## Taking Cougar

### NOTICE OF PROPOSED RULE

(Amendment)  
 DAR FILE NO.: 39712  
 FILED: 09/08/2015

### 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 annually for taking public input and reviewing the division's cougar program.

**SUMMARY OF THE RULE OR CHANGE:** The proposed revision establishes a "Cougar Control Permit" as well as an "Unlimited quota unit". Section R657-10-33 establishes the protocol for using a cougar control permit in an unlimited quota unit.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** This amendment establishes a cougar control permit and the process for using the permit, the additional hunt strategy can be implemented with the current staff and budget, therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment only adds a hunt strategy to an already existing framework this will have no effect on the local government. 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:** None--The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** DWR determines that these amendments will not create additional costs for sportsmen wishing to hunt cougar in Utah. Therefore, the rule amendments do not create a cost or savings impact to individuals who participate in hunting cougar.

**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 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY:** Gregory Sheehan, Director

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

**R657-10. Taking Cougar.**

**R657-10-1. Purpose and Authority.**

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

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking cougar.

**R657-10-2. Definitions.**

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

(2) In addition:

(a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.

(b) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a dog handler for or in consideration of pursuing cougar for any purpose.

(c) "Cougar" means Puma concolor, commonly known as mountain lion, lion, puma, panther or catamount.

(d) "Cougar control permit" means a harvest objective permit that authorizes a person to take a second cougar on harvest objective units that have an unlimited quota.

(e) "Cougar pursuit permit" means a permit that authorizes a person to pursue cougar during designated seasons.

(f) "Dog handler" means the person in the field that is responsible for transporting, releasing, tracking, controlling, managing, training, commanding and retrieving the dogs involved in the pursuit. The owner of the dogs is presumed the dog handler when the owner is in the field during pursuit.

(g) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.

(h) "Green pelt" means the untanned hide or skin of any cougar.

(i) "Harvest[-] objective hunt" means any hunt that is identified as harvest[-] objective in the hunt table of the guidebook for taking cougar.

(j) "Harvest[-] objective permit" means any permit valid on harvest[-] objective units, including limited-entry permits for split units after the split-unit transition date.

(k) "Immediate family member" means a livestock owner'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.

(l) "Kitten" means a cougar less than one year of age.

(m) "Kitten with spots" means a cougar that has obvious spots on its sides or its back.

(n) "Limited entry hunt" means any hunt listed in the hunt tables of the guidebook of the Wildlife Board for taking cougar, which is identified as limited entry and does not include harvest objective hunts.

(o) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.

(p) "Private lands" means any lands that are not public lands, excluding Indian trust lands.

(q) "Public lands" means any lands owned by the state, a political subdivision or independent entity of the state, or the United States, excluding Indian trust lands, that are open to the public for purposes of engaging in pursuit.

(r) "Pursue" means to chase, tree, corner or hold a cougar at bay.

(s) "Split unit" means a cougar hunting unit that begins as a limited entry unit then transitions into a harvest objective unit.

(t) "Unlimited quota unit" means a harvest objective unit that does not have a limit on the number of cougar that may be harvested during the open season.

(u) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

(v) "Written permission" means written authorization from the owner or person in charge to enter upon private lands and must include:

- (i) the name and signature of the owner or person in charge;
- (ii) the address and phone number of the owner or person in charge;
- (iii) the name of the dog handler given permission to enter the private lands;
- (iv) a brief description of the pursuit activity authorized;
- (v) the appropriate dates; and
- (vi) a general description of the property.

### **R657-10-3. Permits for Taking Cougar.**

(1)(a) To harvest a cougar, a person must first obtain a valid limited entry cougar permit~~[-or a]~~, harvest objective cougar permit, or cougar control permit, for the specified management units as provided in the guidebook of the Wildlife Board for taking cougar.

(b) Any person who obtains a limited entry cougar permit~~[-or a]~~, harvest objective cougar permit, or cougar control permit, may pursue cougar on the unit for which the permit is valid.

(2) A person may not apply for or obtain more than one cougar permit for the same season, except:

(a) as provided in Subsection R657-10-25(3);~~[-or]~~

(b) as provided in Subsection R657-10-33; or

(c) if the person is unsuccessful in the limited entry drawing, the person may purchase a harvest objective or cougar control permit.

(3) Any cougar permit purchased after the season opens is not valid until three days after the date of purchase.

(4) To obtain a cougar limited entry permit, harvest objective permit, cougar control permit, or pursuit permit, a person must possess a Utah hunting or combination license.

### **R657-10-4. Permits for Pursuing Cougar.**

(1)(a) To pursue cougar without a limited entry, harvest objective, or cougar control permit, the dog handler must:

(i) obtain a valid cougar pursuit permit from a division office; or

(ii) possess the documentation and certifications required in R657-10-25(2) to pursue cougar for compensation.

(b) A cougar pursuit permit or exemption there from does not allow a person to kill a cougar.

(2) Residents and nonresidents may purchase cougar pursuit permits consistent with the requirements of this rule and the guidebooks of the Wildlife Board.

(3) To obtain a cougar pursuit permit, a person must possess a Utah hunting or combination license.

### **R657-10-9. Prohibited Methods.**

(1) Cougar may be taken or pursued only during open seasons and using methods prescribed in this rule and the guidebook of the Wildlife Board for taking cougar. Otherwise, under the Wildlife Resources Code, it is unlawful for any person to possess, capture, kill, injure, drug, rope, trap, snare or in any way harm or transport cougar.

(2) After a cougar has been pursued, chased, treed, cornered or held at bay, a person may not, in any manner, restrict or hinder the animal's ability to escape.

(3) A person may not engage in a canned hunt.

(4) A person may not take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles.

(5) Electronic locating equipment may not be used to locate ~~cougars~~ cougar wearing electronic radio devices.

### **R657-10-12. Use of Dogs.**

(1) Dogs may be used to take or pursue cougar only during open seasons as provided in the guidebook of the Wildlife Board for taking cougar.



(2) A dog handler may pursue cougar provided he or she possesses:

- (a) a valid ~~limited entry~~ cougar permit issued to the dog handler;
- (b) a valid cougar pursuit permit; or
- (c) the documentation and certifications required in R657-10-25(2) to pursue cougar for compensation.

(3) When dogs are used in the pursuit of a cougar, the licensed hunter intending to take the cougar must be present when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.

(4) When dogs are used to take a cougar and there is not an open pursuit season, the dog handler must have:

- (a) a ~~limited entry~~ valid cougar permit issued to the dog handler for the unit being hunted;
- (b)(i) a valid cougar pursuit permit; and
- (ii) be accompanied, as provided in Subsection (3), by a hunter possessing a ~~limited entry~~ cougar permit for the area; or
- (c)(i) the documentation and certifications required in R657-10-25(2) to pursue cougar for compensation and
- (ii) be accompanied, as provided in Subsection (3), by a paying client possessing a ~~limited entry~~ valid cougar permit for the area.

(5) A dog handler may pursue cougar under:

- (a) a cougar pursuit permit only during the season and in the areas designated by the Wildlife Board in guidebook open to pursuit;
- (b) a ~~limited entry~~ valid cougar permit only during the season and in the area designated by the Wildlife Board in guidebook for that permit; or
- (c) the pursuit for compensation provisions in this rule only during the seasons and in the areas designated by the Wildlife Board in guidebook open to pursuit.

(6) When dogs are used to take cougar and there is not an open pursuit season, the owner and handler of the dogs must have a valid pursuit permit and be accompanied by a licensed hunter as provided in Subsection (3), or have a cougar permit.

#### **R657-10-21. Livestock Depredation and Human Health and Safety.**

(1) If a cougar is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

- (a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take cougar, may kill the cougar;
- (b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who shall authorize a local hunter to take the offending cougar or notify a USDA, Wildlife Services specialist; or
- (c) the livestock owner may notify a USDA, Wildlife Services specialist of the depredation who may take the depredating cougar.

(2) Depredating cougar may be taken at any time by a USDA, Wildlife Services specialist, supervised by the Wildlife Services program, while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating cougar may be taken by those persons authorized in Subsection (1)(a) with:

- (a) any weapon authorized for taking cougar; or
- (b) with the use of snares only with written authorization from the director of the division and subject to all the conditions and restrictions set out in the written authorization.

(i) The option in Subsection (3)(b) may only be authorized in the case of a chronic depredation situation where numerous livestock have been killed by a depredating cougar and must be verified by Wildlife Services or division personnel.

(4)(a) The Division may issue depredation permits to take cougar on specified private lands and public land grazing allotments with a chronic depredation situation where numerous livestock have been killed by cougar.

(b) The Division may:

- (i) issue one or more depredation permits to the affected livestock owner or a designee, provided the livestock owner does not receive monetary consideration from the designee for the opportunity to use the depredation permit;
- (ii) determine the legal weapons and methods of take allowed; and

(iii) specify the area and season that the permit is valid.

(5)(a) Any cougar taken under Subsection (1)(a) or (4)(a) shall remain the property of the state and must be delivered to a division office or employee within 72 hours.

(b) The division may issue a cougar damage permit to a person who has killed a depredating cougar under Subsection (1)(a) that authorizes the person to keep the carcass.

(c) A person that takes a cougar under Subsection (1)(a) or (4)(a) may acquire and use a limited entry permit or harvest objective cougar permit in the same year.

(d) Notwithstanding Subsections (5)(b) and (5)(c), a person may retain no more than one cougar annually.

(6)(a) Hunters interested in taking depredating cougar as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating cougar as needed.

#### **R657-10-23. Taking Cougar.**

(1)(a) ~~[A]~~ For each permit issued, a person may [take] only take one cougar during the season and from the area specified on the permit.

(b) Limited entry permits may be obtained by following the application procedures provided in this rule and the guidebook of the Wildlife Board for taking cougar.

(c) Harvest ~~-~~objective permits may be purchased on a first-come, first-served basis as provided in guidebook of the Wildlife Board for taking cougar.

(d) Cougar control permits may be purchased as provided in the guidebook of the Wildlife Board for taking cougar.

\_\_\_\_\_ (2) A person may not:

- (a) take or pursue a female cougar with kittens or kittens with spots; or
- (b) repeatedly pursue, chase, tree, corner, or hold at bay, the same cougar during the same day after the cougar has been released.

(3) Any cougar may be taken during the prescribed seasons, except a kitten with spots, or any cougar accompanied by kittens, or any cougar accompanied by an adult.

(4) A person may not take a cougar wearing a radio collar from any areas that are published in the guidebook of the Wildlife Board for taking cougar.

(5) The division may authorize hunters who have obtained a ~~limited entry~~ valid cougar permit to take cougar in a specified area of the state in the interest of protecting wildlife from depredation.

(6) Season dates, closed areas, harvest objective permit areas, unlimited quota units, and limited entry permit areas are published in the guidebook of the Wildlife Board for taking cougar.

(7)(a) A person who obtains a limited entry cougar permit on a split unit may hunt on all harvest objective units after the date split units transition into harvest objective units. The split unit transition date is provided in the guidebook of the Wildlife Board for taking cougar.

(b) A person who obtains a limited entry cougar permit on a split unit and chooses to hunt on any harvest objective unit after the transition date is subject to all harvest objective unit closure requirements provided in Sections R657-10-~~34 and 657-10-35~~ 29.

#### **R657-10-25. Cougar Pursuit.**

(1)(a) Except as provided in rule R657-10-3(1)(b) and Subsection (2), cougar may be pursued only by persons who have obtained a cougar pursuit permit.

(b) The cougar pursuit permit does not allow a person to:

- (i) kill a cougar; or
- (ii) pursue cougar for compensation.

(c) A person may pursue cougar for compensation only as provided in Subsection (2).

(d) To obtain a cougar pursuit permit, a person must possess a Utah hunting or combination license.

(2)(a) A person may pursue cougar on public lands for compensation, provided the dog handler:

- (i) receives compensation from a client or customer to pursue cougar;
- (ii) is a licensed hunting guide or outfitter under Title 58, Chapter 79 of the Utah Code and authorized to pursue cougar;
- (iii) possesses on his or her person the Utah hunting guide or outfitter license;
- (iv) possesses on his or her person all permits and authorizations required by the applicable public lands managing authority to pursue cougar for compensation; and
- (v) is accompanied by the client or customer at all times during pursuit.

(b) A person may pursue cougar on private lands for compensation, provided the dog handler:

- (i) receives compensation from a client or customer to pursue cougar;
- (ii) is accompanied by the client or customer at all times during pursuit; and
- (iii) possesses on his or her person written permission from all private landowners on whose property pursuit takes place.

(c) A person who is an employee or agent of the Division of Wildlife Services may pursue cougar on public lands and private lands while acting within the scope of their employment.

(3) A pursuit permit is not required to pursue cougar under Subsection (2).

(4)(a) A person pursuing cougar for compensation under subsections (2)(a) and (2)(b) shall comply with all other requirements and restrictions in statute, rule and the guidebooks of the Wildlife Board regulating the pursuit and take of cougar.

(b) Any violation of, or failure to comply with the provisions of Title 23 of the Utah Code, this rule, or the guidebooks of the Wildlife Board may be grounds for suspension of the privilege to pursue cougar for compensation under this subsection, as determined by a division hearing officer.

(5) A cougar pursuit permit authorizes the holder to pursue cougar with dogs on any unit open to pursuing cougar during the seasons and under the conditions prescribed by the Wildlife Board in guidebook.

(6) A person may not:

(a) take or pursue a female cougar with kittens or kittens with spots;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(i) The weapon restrictions set forth in the subsection do not apply to a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing or attempting to utilize the concealed weapon to injure or kill cougar.

(7) If eligible, a person who has obtained a cougar pursuit permit may also obtain a limited entry cougar permit~~[-or]~~, harvest objective cougar permit, or cougar control permit.

(8) Cougar may be pursued only on limited entry units~~[-or]~~, harvest objective units, or unlimited quota units during the dates provided in the guidebook of the Wildlife Board for taking cougar.

(9) A cougar pursuit permit is valid on a calendar year basis.

(10) A person must possess a valid hunting or combination license to obtain a cougar pursuit permit.

#### **R657-10-27. Harvest Objective General Information.**

(1) Harvest objective permits are valid only for ~~the~~ open harvest objective management units and for the specified seasons published in the guidebook of the Wildlife Board for taking cougar.

(2) Harvest objective permits are not valid in a specified management unit after the harvest objective has been met for that unit.

#### **R657-10-30. Harvest Objective Unit Reporting.**

(1) Any person taking a cougar with a harvest objective permit or a cougar control permit must report to the division, within 48 hours, where the cougar was taken and have a permanent tag affixed pursuant to Section R657-10-15.

(2) Failure to accurately report the correct harvest objective~~[-management]~~ unit where the cougar was killed is unlawful.

(3) Any conviction for failure to accurately report, or aiding or assisting in the failure to accurately report as required in Subsection (1) shall be considered prima facie evidence of a knowing, intentional or reckless violation for purposes of permit suspension.

**R657-10-33. Cougar Control Permits.**

(1)(a) The division, with approval of the Wildlife Board, may identify a harvest objective unit as an unlimited quota unit.

(b) An individual may acquire a cougar control permit to hunt on an unlimited quota unit if they first obtain:

(i) a harvest objective permit; or

(ii) a limited entry permit for a split unit and the split unit has transitioned to harvest objective status.

(c) An individual may retain a cougar lawfully harvested under a cougar control permit regardless of whether they lawfully harvested and retained a cougar under a permit listed in Subsections (1)(b)(i) or (ii).

(2) An individual may only acquire one cougar control permit each season.

(3) Cougar control permits are only valid within the boundaries of unlimited quota units and during the dates described on the permit and in the guidebook of the Wildlife Board for taking cougar.

**KEY: wildlife, cougar, game laws**

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

**Notice of Continuation:** August 16, 2011

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

**Natural Resources, Wildlife Resources**  
**R657-11**  
**Taking Furbearers**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39713

FILED: 09/08/2015

**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's furbearer program.

**SUMMARY OF THE RULE OR CHANGE:** The amendments to this rule: 1) allow for the possession of a green pelt without a permanent tag until the first Friday in March; and 2) set the criteria for trapping on Waterfowl Management Areas.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The amendments are technical in nature, therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since

the changes will not increase workload and can be done 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 amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment makes technical changes to the rule and provides the criteria for which trapping on Waterfowl Management Areas will be done and does not impose any additional requirements on other persons, nor generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment makes technical changes to the rule and provides the criteria for which trapping on Waterfowl Management Areas will be done and does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This amendment changes wording for clarification and consistency with other division applications. Therefore, DWR determines that there is no additional compliance costs associated with the amendments.

**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 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY:** Gregory Sheehan, Director

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

**R657-11. Taking Furbearers.**

**R657-11-1. Purpose and Authority.**

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

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking furbearers.

**R657-11-7. Permanent Possession Tags for Bobcat and Marten.**

(1) A person may not:

(a) possess a green pelt or unskinned carcass from a bobcat or marten that does not have a permanent tag affixed after the ~~[Saturday following the close of the bobcat trapping season and marten seasons]~~ first Friday in March;

(b) possess a green pelt or the unskinned carcass of a bobcat with an affixed temporary bobcat possession tag issued to another person, except as provided in Subsections (5) and (6); or

(b) buy, sell, trade, or barter a green pelt from a bobcat or marten that does not have a permanent tag affixed.

(2) Bobcat and marten pelts must be delivered to a division representative to have a permanent tag affixed and to surrender the lower jaw.

(3) Bobcat and marten pelts may be delivered to the following division offices, by appointment only, during the dates published in the guidebook of the Wildlife Board for taking furbearers:

- (a) Cedar City - Regional Office;
- (b) Ogden - Regional Office;
- (c) Price - Regional Office;
- (d) Salt Lake City - Salt Lake Office;
- (e) Springville - Regional Office; and
- (f) Vernal - Regional Office.

(4) There is no fee for permanent tags.

(5) Bobcat and marten which have been legally taken may be transported from an individual's place of residence by an individual other than the fur harvester to have the permanent tag affixed; bobcats must be tagged with a temporary possession tag and accompanied by a valid furbearer license belonging to the fur harvester.

(6) Any individual transporting a bobcat or marten for another person must have written authorization stating the following:

- (a) date of kill;
- (b) location of kill;
- (c) species and sex of animal being transported;
- (d) origin and destination of such transportation;
- (e) the name, address, signature and furbearer license number of the fur harvester;

(f) the name of the individual transporting the bobcat or marten; and

(g) the fur harvester's marten permit number if marten is being transported.

(7) Green pelts of bobcats and marten legally taken from outside the state may not be possessed, bought, sold, traded, or bartered in Utah unless a permanent tag has been affixed or the pelts are accompanied by a shipping permit issued by the wildlife agency of the state where the animal was taken.

(8)(a) Fur harvesters taking marten are requested to present the entire skinned carcass intact, including the lower jaw, to the division in good condition when the pelt is presented for tagging.

(b) "Good condition" means the carcass is fresh or frozen and securely wrapped to prevent decomposition so that the tissue remains suitable for lab analysis.

**R657-11-27. ~~[Applications for Trapping]~~Approval to Trap on State Waterfowl Management Areas.**

(1)(a) ~~[Applications for trapping on state waterfowl management areas are available at the division's internet address, and must be completed and submitted online by the date prescribed in the respective guidebook of the Wildlife Board.]~~ Trapping on state waterfowl management areas is a property management tool used to protect waterfowl populations and infrastructure improvements found on the property.

~~(i) Applicants submitting more than one application per calendar year will be rejected.]~~ b) The authorization to trap on state waterfowl management areas shall be provided through a certificate of registration that is awarded to an individual or individuals through a competitive proposal solicitation process.

~~(c) On or before October 1 of each year, the division shall publicly notice which state waterfowl management areas are available for proposal by publishing the notice on its website and by publishing a notice in a newspaper of general circulation at least once a week for two consecutive weeks.~~

~~(d) The notification and advertising shall include:~~

~~(i) the deadline for applying for the certificate of registration;~~

~~(ii) a general description of the trapping area authorized under the certificate of registration;~~

~~(iii) the desired form of compensation to the division, whether monetary, in-kind, or both;~~

~~(iv) the division's management objectives for the state waterfowl management area; and~~

~~(v) any special considerations or limitations the division will require of the trapper or trappers while they are on the state waterfowl management area.~~

~~(2)(a) Applications must include the following:~~

~~(i) a nonrefundable application fee;~~

~~(ii) the name of the state waterfowl management area being applied for;~~

~~(iii) a description of the applicant's familiarity with the state waterfowl management area being applied for;~~

~~(iv) a list of the individuals who will conduct trapping activities under the certificate of registration;~~

~~(v) a description of each individual's experience trapping and their ability to utilize removal of targeted species to protect waterfowl populations and infrastructure found at state waterfowl management areas;~~

~~(vi) the projected number of animals, specifically muskrat, that may be removed via trapping;~~

~~(vii) how the proposal accomplishes the identified management objectives for the waterfowl management area;~~

~~(viii) how the proposal conforms with any special considerations or limitations identified by the division in its public notice; and~~

~~(viii) a bid amount to be paid to the Division in exchange for the authorization to trap on the state waterfowl management area.~~

~~[(b) Applicants]~~(c) All individuals listed on the application who will conduct trapping activities under the certificate of registration must meet all age requirements, proof of hunter education and furharvester requirements, and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

~~[(e) Applicants may select up to two WMA choices on the application.]~~(d) The bid amount described in Subsection (vi) above may include non-monetary, in-kind contributions.

~~[(d) Hunt choices must be listed in order of preference.~~

~~[(e) Up to three trappers may apply as a group for a single permit.~~

~~[(f) A person who applies for or obtains a permit must notify the division of any change in mailing address, residency, telephone number, email address, and physical description.~~

~~[(g) If the number of applications received for a WMA exceeds the number of permits available, a drawing will be held. This drawing will determine successful or unsuccessful applicants.~~

~~[(i) each application will be assigned a computerized random drawing number.~~

~~[(ii) a drawing order will be established by arranging applications beginning with the lowest random drawing number.~~

~~[(iii) in sequence of the drawing order, the applicant's first selection will be considered. If a permit is not available for that selection, that applicant's second selection will be considered.~~

~~[(iv) remaining permits will be offered to the alternate list beginning with the first eligible alternate.~~

~~[(A) the alternate list is comprised of unsuccessful applicants.~~

~~[(B) the alternate list is arranged in order beginning with the lowest drawing number.~~

~~[(2) Permits, trapping dates and boundaries~~

~~[(a) Open areas, trapping dates, allowable species, fees, and number of permits shall be determined by the waterfowl management area superintendent.]~~(a) Late or incomplete applications may be rejected.

~~[(b) [Superintendents of waterfowl management areas offering more than one trapping permit will determine the trapping boundaries of each permit]]~~A separate application must be submitted for each state waterfowl management area an individual wishes to trap on.

~~[(c) [Only the trapper or trappers listed on the permit may trap on the waterfowl management area.~~

~~[(d) All trappers must trap under the supervision of the waterfowl management area superintendent. Permits are not valid until signed by the superintendent in charge of the area to be trapped]]~~In the event that there is more than one application for a certain state waterfowl management area, the division will analyze each application and select a successful applicant or applicants whose proposal best accomplishes the division objectives identified in the public notice.

~~[(4) The selected applicant will be issued a certificate of registration authorizing trapping activities on the state waterfowl management area for a period of up to two years.~~

~~[(e) Violation of this section is cause for forfeiture of all trapping privileges on management areas for that trapping year.]~~(5) A certificate of registration issued pursuant to this Part may be revoked, suspended, or terminated consistent with the terms of Utah Code 23-19-9 and Utah Admin. Code R657-26.

~~[(f) Applicants may be notified of drawing results by the date prescribed in the respective guidebook of the Wildlife Board.]~~

**KEY: wildlife, furbearers, game laws, wildlife law**

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

**Notice of Continuation: August 16, 2010**

**Authorizing, and Implementing or Interpreted Law: 23-14-18; 23-14-19; 23-13-17**

## Natural Resources, Wildlife Resources R657-45 Wildlife License, Permit, and Certificate of Registration Forms and Terms

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39715

FILED: 09/08/2015

### 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 annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to wildlife license, permit, and Certificate of Registration forms.

**SUMMARY OF THE RULE OR CHANGE:** Provisions of this rule are being amended to comply with Section 23-19-4.5 allowing for youth organizations to fish without a license. The rule amendments set the criteria for participating in the program. The program has been in effect since 2007 when the state code was established.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 23-14-19 and Section 23-19-2

### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule is being amended to comply with Section 23-19-4.5 to allow youth groups to fish without a license. The Division has been implementing the program since 2007 when the code was passed, this simply puts the process into rule. DWR determines that there is not a cost or savings impact to the state budget or DWR's budget associated with this amendment.

♦ **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:** This rule is being amended to comply with Section 23-19-4.5 to allow for qualifying youth groups to fish without a license. The Division feels this

amendment would not generate a savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule is being amended to comply with Section 23-19-4.5 to allow for qualifying youth groups to fish without a license. The Division feels this amendment would not generate a savings impact to persons wishing to participate.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule is being amended to comply with Section 23-19-4.5 to allow for qualifying youth groups to fish without a license, since this program has been operational since 2007 this would not create a cost savings or impact for those wishing to participate.

**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 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Gregory Sheehan, Director

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

**R657-45. Wildlife License, Permit, and Certificate of Registration Forms and Terms.**

**R657-45-1. Purpose and Authority.**

Under authority of Sections 23-14-18, 23-14-19, 23-19-2 and 23-19-7 the Wildlife Board has established this rule for prescribing the forms and terms of a wildlife license, permit, and certificate of registration.

**R657-45-4. Persons Participating in Youth Organization or School Activity Authorized to Fish Without a License.**

(1)(a) A school or youth organization, as defined in Subsection (5), that sponsors a recreational or instructional fishing activity for youth may obtain a certificate of registration from the Division authorizing participating youth to fish without a license.

(b) A school or youth organization may obtain a certificate of registration by submitting an online application with the Division specifying the:

(i) name and address of the school or youth organization applicant, including verification it qualifies as a school or youth organization, as defined in Subsection (5);

(ii) date and location of the fishing activity;

(iii) fishing activity is part of a recreational or instructional program of the school or youth organization;

(iv) fishing activity is officially sanctioned or authorized by the school or youth organization;

(v) approximate number of youth that will participate in the fishing activity, including verification that each youth is:

(A) under 16 years of age; and

(B) an enrolled student in the school or a registered member of the youth organization;

(vi) name, address, and age of the adult leader that will supervise the fishing activity;

(vii) adult leader will;

(A) possess a valid Utah fishing or combination license; and

(B) provide instruction and training to the youth participants on Utah fishing laws and regulations; and

(viii) adult leader has obtained from the school or youth organization a valid tour permit or written documentation that specifies:

(A) the date and place of the fishing activity;

(B) the name of the adult leader that will supervise the fishing activity; and

(C) that the activity is officially sanctioned or authorized by the school or youth organization.

(2)(a) Upon receipt of a complete application from a school or youth organization and upon determination that the requirements of this Section are satisfied, the Division may issue a certificate of registration authorizing the identified youth participating in the sponsored fishing activity to fish without a license.

(b) The certificate of registration will include the following information:

(i) name and address of the school or youth organization.

(ii) name, address, and age of the adult leader supervising the fishing activity;

(iii) date of the fishing activity;

(iv) location of the fishing activity; and

(v) approximate number youth participating in the fishing activity.

(3) A youth participating in a fishing activity on a school or youth organization certificate of registration issued under this Section may fish without a license, provided:

(a) the youth is:

(i) a member of the youth organization or a student enrolled in the school; and

(ii) younger than 16 years old; and

(b) the fishing is conducted:

(i) in compliance with all Utah fishing laws and regulations;

(ii) on the date and at the location identified on the certificate of registration; and

- (iii) under the supervision of the adult leader identified on the certificate of registration.
- (4) The adult leader supervising a youth fishing activity under this section shall:
  - (a) be 18 years of age or older;
  - (b) possess a valid Utah fishing or combination license;
  - (c) provide direct supervision to the activity participants;
- and
- (d) instruct the activity participants on Utah fishing laws and regulations.
- (5) As used in this section:
  - (a) "School" means an elementary school or a secondary school that:
    - (i) is a public or private school located in the state; and
    - (ii) provides student instruction for one or more years of kindergarten through grade 9.
  - (b) "Youth organization" means a local Utah chapter of:
    - (i) the Boy Scouts of America;
    - (ii) the Girls Scouts of the USA; or
    - (iii) an organization that:
      - (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and
      - (B) promotes character building through outdoor activities.

**KEY:** license, permit, certificate of registration  
**Date of Enactment or Last substantive Amendment:** ~~July 8, 2014~~ 2015  
**Notice of Continuation:** May 6, 2013  
**Authorizing and implemented or Interpreted Law:** 23-19-2

## Natural Resources, Wildlife Resources **R657-55**

### Wildlife Expo Permits

#### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39739  
 FILED: 09/15/2015

#### 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 annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to expo permits.

**SUMMARY OF THE RULE OR CHANGE:** The proposed revision to the above listed rule: 1) replaces the term "multiple" with "one or more"; 2) adds additional information to be included by the conservation groups in the Wildlife exposition audit; 3) sets the application fee at \$5; 4) requires the conservation organization to include bank statements showing account balances and records of each project funded with application fee revenue; and 5) makes technical corrections.

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

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This amendment establishes procedures that will allow one or more groups to hold the exposition and adds requirements to be included with the yearly audit. DWR determines that this amendment does not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.
- ◆ **LOCAL GOVERNMENTS:** Since this amendment only sets in rule additional requirements for reporting in a policy that have already been established and followed this should have little to no effect on the local government. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
- ◆ **SMALL BUSINESSES:** This amendment places in rule the procedures for the revenue generated by the expo application fees and allows for one or more groups to hold the exposition, it does not have the potential to increase the cost to individuals. Therefore, this amendment does not have the potential to generate a cost or savings impact to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment places in rule the procedures for the revenue generated by the expo application fees and allows for one or more groups to hold the exposition, it does not have the potential to increase the cost to individuals. Therefore, this amendment does not have the potential to generate a cost or savings impact to other persons.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** DWR determines that this amendment will not create additional costs for those participating in the wildlife exposition. Therefore, the rule amendment does not create a cost or savings impact to individuals.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule does 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 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Gregory Sheehan, Director

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

**R657-55. Wildlife Expo Permits.**

**R657-55-1. Purpose and Authority.**

(1) Under the authority of Sections 23-14-18 and 23-14-19 of the Utah Code, this rule provides the standards and requirements for issuing wildlife expo permits.

(2) Wildlife expo permits are authorized by the Wildlife Board and issued by the division to a qualified conservation organization for purposes of generating revenue to fund wildlife conservation activities in Utah and attracting and supporting a regional or national wildlife exposition [to] in Utah.

(3) The selected conservation organization will conduct a random drawing at an exposition held in Utah to distribute the opportunity to receive wildlife expo permits.

(4) This rule is intended as authorization to issue one series of wildlife expo permits per year to one qualified conservation organization.

**R657-55-2. Definitions.**

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

(2) In addition:

(a) "Conservation organization" means a nonprofit chartered institution, corporation, foundation, or association founded for the purpose of promoting wildlife conservation.

(b) "Special nonresident expo permit" means one wildlife expo permit for each once-in-a-lifetime species that is only available to a nonresident hunter legally eligible to hunt in Utah.

(c) "Wildlife exposition" means a multi-day event held within the state of Utah that is sponsored by [multiple] one or more wildlife conservation organizations as their national or regional convention or event that is open to the general public and designed to draw nationwide attendance of more than 10,000 individuals. The wildlife exposition may include wildlife conservation fund raising activities, outdoor exhibits, retail marketing of outdoor products and services, public awareness programs, and other similar activities.

(d) "Wildlife exposition audit" means an annual review by the division of the conservation organization's processes used to handle applications for expo permits and conduct the drawing, [and] the protocols associated with collecting and using client data, the revenue generated from expo permit application fees, and the expenditure of designated expo permit application fee revenue on division-approved projects.

(e) "Wildlife expo permit" means a permit which:

(i) is authorized by the Wildlife Board to be issued to successful applicants through a drawing or random selection process conducted at a Utah wildlife exposition; and

(ii) allows the permittee to hunt the designated species on the designated unit during the respective season for each species as authorized by the Wildlife Board.

(f) "Wildlife expo permit series" means a single package of permits to be determined by the Wildlife Board for:

(i) deer;

(ii) elk;

(iii) pronghorn;

(iv) moose;

(v) bison;

(vi) rocky mountain goat;

(vii) desert bighorn sheep;

(viii) rocky mountain bighorn sheep;

(ix) wild turkey;

(x) cougar; or

(xi) black bear.

(g) "Secured opportunity" means the opportunity to receive a specified wildlife expo permit that is secured by an eligible applicant through the exposition drawing process.

(h) "Successful applicant" means an individual selected to receive a wildlife expo permit through the drawing process.

**R657-55-3. Wildlife Expo Permit Allocation.**

(1) The Wildlife Board may allocate wildlife expo permits by May 1 of the year preceding the wildlife exposition.

(2) Wildlife expo permits shall be issued as a single series to one conservation organization.

(3) The number of wildlife expo permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, and distribution to protect the long-term health of the population;

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) a percentage of the permits available to nonresidents in the annual big game drawings matched by a proportionate number of resident permits.

(4) Wildlife expo permits, including special nonresident expo permits, shall not exceed 200 total permits.

(5) Wildlife expo permits designated for the exposition each year shall be deducted from the number of public drawing permits.

**R657-55-4. Obtaining Authority to Distribute Wildlife Expo Permit Series.**

(1)(a) Except as provided in Subsection (b), the wildlife expo permit series is issued for a period of five years.

(b) For expo contracts governing the 2017 expo, and all expo contracts thereafter, the original five year term may be extended an additional period not to exceed five years, so long as:

(i) the division and conservation organization mutually agree in writing to an extension; and

(ii) the contract extension is approved by the Wildlife Board.

(2) The wildlife expo permit series is available to eligible conservation organizations for distribution through a drawing or other random selection process held at a wildlife exposition in Utah open to the public.

(3) Conservation organizations may apply for the wildlife expo permit series by sending an application to the division between August 1 and September 1 of the year preceding the expiration of each wildlife exposition term, as provide in R657-55-4(1).

(4) Each application must include:



(a) the name, address and telephone number of the conservation organization;

(b) a description of the conservation organization's mission statement;

(c) the name of the president or other individual responsible for the administrative operations of the conservation organization; and

(d) a detailed business plan describing how the wildlife exposition will take place and how the wildlife expo permit drawing procedures will be carried out.

(5) An incomplete or incorrect application may be rejected.

(6) The division shall recommend to the Wildlife Board which conservation organization may receive the wildlife expo permit series based on:

(a) the business plan for the wildlife exposition and drawing procedures contained in the application; and

(b) the conservation organization's, including its constituent entities, ability, including past performance in marketing conservation permits under Rule R657-41, to effectively plan and complete the wildlife exposition.

(7) The Wildlife Board shall make the final assignment of the wildlife expo permit series based on the:

(a) division's recommendation;

(b) applicant conservation organization's commitment to use expo permit handling fee revenue to benefit protected wildlife in Utah;

(c) historical contribution of the applicant conservation organization, including its constituent entities, to the conservation of wildlife in Utah; and

(d) previous performance of the applicant conservation organization, including its constituent entities.

(8) The conservation organization receiving the wildlife expo permit series must:

(a) require each wildlife expo permit applicant to possess a current Utah hunting or combination license before applying for a wildlife expo permit;

(b) select successful applicants for wildlife convention permits by drawing or other random selection process in accordance with law, provisions of this rule, proclamation, and order of the Wildlife Board;

(c) allow applicants to apply for wildlife expo permits without purchasing admission to the wildlife exposition;

(d) notify the division of the successful applicant of each wildlife expo permit within 10 days of the applicant's selection;

(e) maintain records demonstrating that the drawing was conducted fairly; and

(f) submit to an annual wildlife exposition audit by a division appointed auditor.

(9) The division shall issue the appropriate wildlife expo permit to the designated successful applicant after:

(a) completion of the random selection process;

(b) verification of the recipient being eligible for the permit; and

(c) payment of the appropriate permit fee is received by the division.

(10) The division and the conservation organization receiving the wildlife expo permit series shall enter into a contract, including the provisions outlined in this rule.

(11) If the conservation organization awarded the wildlife expo permit series withdraws before the end of the 5 year period or any extension period under R657-55-4(1)(b), any remaining co-participant with the conservation organization may be given an opportunity to assume the contract and to distribute the expo permit series consistent with the contract and this rule for the remaining years in the applicable period, provided:

(a) The original contracted conservation organization submits a certified letter to the division identifying that it will no longer be participating in the exposition.

(b) The partner or successor conservation organization files an application with the division as provided in Subsection (4) for the remaining period.

(c) The successor conservation organization submits its application request at least 60 days prior to the next scheduled exposition so that the ~~[wildlife board]~~ Wildlife Board can evaluate the request under the criteria in this section.

(d) The Wildlife Board authorizes the successor conservation organization to assume the contract and complete the balance of the expo permit series period.

(12) The division may suspend or terminate the conservation organization's authority to distribute wildlife expo permits at any time during the original five year award term or any extension period for:

(a) violating any of the requirements set forth in this rule or the contract; or

(b) failing to bring or organize a wildlife exposition in Utah, as described in the business plan under R657-55-4(4)(d), in any given year.

#### **R657-55-5. Wildlife Expo Permit Application Procedures.**

(1) Any person legally eligible to hunt in Utah may apply for a wildlife expo permit, except that only a nonresident of Utah may apply for a special nonresident expo permit.

(2) ~~[Any]~~The handling fee assessed by the conservation organization to process applications shall ~~[not exceed]~~be \$5 per application submitted.

(3)(a) Except as provided in Subsection (3)(b), applicants must validate their application in person at the wildlife exposition to be eligible to participate in the wildlife expo permit drawing.

(i) No person may submit an application in behalf of another.

(ii) A person may validate their wildlife expo permit application at the exposition without having to enter the exposition and pay the admission charge.

(b) An applicant that is a member of the United States Armed Forces and unable to attend the wildlife exposition as a result of being deployed or mobilized in the interest of national defense or a national emergency is not required to validate their application in person; provided exposition administrators are furnished a copy of the written deployment or mobilization orders and the orders identify:

(i) the branch of the United States Armed forces from which the applicant is deployed or mobilized;

(ii) the location where the applicant is deployed or mobilized;

(iii) the date the applicant is required to report to duty; and

(iv) the nature and length of the applicant's deployment or mobilization.

(c) The conservation organization shall maintain a record, including copies of military orders, of all applicants that are not required to validate their applications in person pursuant to Subsection (3)(b), and submit to a division audit of these records as part of its annual audit under R657-55-4(8)(f).

(4) Applicants may apply for each individual hunt for which they are eligible.

(5) Applicants may apply only once for each hunt, regardless of the number of permits for that hunt.

(6) Applicants must submit an application for each desired hunt.

(7) Applicants must possess a current Utah hunting or combination license in order to apply for a wildlife expo permit.

(8) The conservation organization shall advertise, accept, and process applications for wildlife expo permits and conduct the drawing in compliance with this rule and all other applicable laws.

#### **R657-55-6. Drawing Procedures.**

(1) A random drawing or selection process must be conducted for each wildlife expo permit.

(2) Preference and bonus points are neither awarded nor applied in the drawings.

(3) Waiting periods do not apply, except any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game.

(4) No predetermined quotas or restrictions shall be imposed in the application or selection process for wildlife expo permits between resident and nonresident applicants, except that special nonresident expo permits may only be awarded to a nonresident of Utah.

(5) Drawings will be conducted within five days of the close of the exposition.

(6) Applicants do not have to be present at the drawing to be awarded a wildlife expo permit.

(7) The conservation organization shall identify all eligible alternates for each wildlife expo permit and provide the division with a finalized list. This list will be maintained by the conservation organization until all permits are issued.

(8) The division shall contact successful applicants by phone or mail, and the conservation organization shall post the name of all successful applicants on a designated website.

#### **R657-55-7. Issuance of Permits.**

(1) The division shall provide a wildlife expo permit to the successful applicant, as designated by the conservation organization.

(2) The division must provide a wildlife expo permit to each successful applicant, except as otherwise provided in this rule.

(3) The division shall provide each successful applicant a letter indicating the permit secured in the drawing, the appropriate fee owed the division, and the date the fee is due.

(4)(a) Successful applicants must provide the permit fee payment in full to the division.

(b) Subject to the limitation in Subsection (8), the division will issue the designated wildlife expo permit to the applicant.

(5) Residents will pay resident permit fees and nonresidents will pay nonresident permit fees.

(6) Applicants are eligible to obtain only one permit per species, except as provided in Rule R657-5, but no restrictions apply on obtaining permits for multiple species.

(7) If an applicant is selected for more than one expo permit for the same species, the division will contact the applicant to determine which permit the applicant selects.

(a) The applicant must select the permit of choice within five days of receiving notification.

(b) If the division is unable to contact the applicant within 5 days, the division will issue to the applicant the permit with the most difficult drawings odds based on drawing results from the division's big game drawing for the preceding year.

(c) Permits not issued to the applicant will go to the next person on the alternate drawing list for that permit.

(8) Any successful applicant who fails to satisfy the following requirements will be ineligible to receive the wildlife expo permit and the next drawing alternate for that permit will be selected:

(a) The applicant fails to return the appropriate permit fee in full by the date provided in Subsection (3);

(b) The applicant does not possess a valid Utah hunting or combination license at the time the expo permit application was submitted and the permit received; or

(c) The applicant is legally ineligible to possess the permit.

#### **R657-55-8. Surrender or Transfer of Wildlife Expo Permits.**

(1)(a) A person selected to receive a wildlife expo permit that is also successful in obtaining a Utah limited entry permit for the same species in the same year or successful in obtaining a general permit for a male animal of the same species in the same year, may not possess both permits and must select the permit of choice.

(b) In the event a secured opportunity is willingly surrendered before the permit is issued, the next eligible applicant on the alternate drawing list will be selected to receive the permit.

(c) In the event the wildlife expo permit is surrendered, the next eligible applicant on the alternate drawing list for that permit will be selected to receive it, and the permit fee may be refunded, as provided in Sections 23-19-38, 23-19-38.2, and R657-42-5.

(2) A person selected by a conservation organization to receive a wildlife expo permit, may not sell or transfer the permit, or any rights thereunder to another person in accordance with Section 23-19-1.

(3) If a person is successful in obtaining a wildlife expo permit but is legally ineligible to hunt in Utah, the next eligible applicant on the alternate drawing list for that permit will be selected to receive it.

#### **R657-55-9. Using a Wildlife Expo Permit.**

(1) A wildlife expo permit allows the recipient to:

(a) take only the species for which the permit is issued;

- (b) take only the species and sex printed on the permit;
  - (c) take the species only in the area and during the season specified on the permit; and
  - (d) take the species only with the weapon type specified on the permit.
- (2) The recipient of a wildlife expo permit is subject to all of the provisions of Title 23, Wildlife Resources Code, and the rules and proclamations of the Wildlife Board for taking and pursuing wildlife.

**R657-55-10. Wildlife Expo Permit -- Application Fee Revenue.**

(1) All wildlife expo permit[.] application fee revenue generated by the conservation organization under R657-55-5(2) will be deposited in a separate, federally insured account to prevent commingling with any other funds.

(a) All interest earned on application fee revenue may be retained and used by the conservation organization for administrative expenses.

(2) The conservation organization may retain up to \$3.50 of each \$5.00 application fee for administrative expenses.

(3) The remaining balance of each \$5.00 application fee will be used by the conservation organization to fund projects advancing wildlife interests in the state, subject to the following:

(a) project funding will not be committed to or expended on any project without first obtaining the division director's written approval;

(b) cash donations to the Wildlife Habitat Account created under Section 23-19-43 or Division Species Enhancement Funds are authorized projects that do not require the division director's approval; and

(c) application fee revenue dedicated to funding projects must be completely expended on or committed to approved projects by September 1st, two years following the year in which the application fee revenue is collected, unless otherwise authorized in writing by the division director.

(4) All records and receipts for projects under Subsection (3) must be retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

(5) The conservation organization shall submit a report to the division and Wildlife Board each year no later than September 1st that accounts for and documents the following:

(a) gross revenue generated from collecting \$5 wildlife expo permit application fees;

(b) total amount of application fee revenue retained for administrative expenses;

(c) total amount of application fee revenue set aside and dedicated to funding projects, including bank statements showing account balances; and

(d) description and records of each project funded with application fee revenue, including the date of funding, the amount of funding contributed, and the completion status of the project.

(6) An organization that individually receives application fee revenue from the expo permit drawing pursuant to a co-participant contract with the conservation organization, is subject to the provisions in Subsections (1) through (5).

**KEY: wildlife, wildlife permits**

**Date of Enactment or Last Substantive Change:** [~~March 16,~~ 2015

**Notice of Continuation:** May 5, 2015

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

**Natural Resources, Wildlife Resources  
R657-60  
Aquatic Invasive Species Interdiction**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39714

FILED: 09/08/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is purposed to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within the State of Utah.

**SUMMARY OF THE RULE OR CHANGE:** The rule revisions allow for: 1) an addition to the definition for accepted decontamination practices to allow for alternate forms of decontamination for business entities authorized through a certificate of registration; 2) a modification to the boundary of Lake Powell on the Colorado River to the boundary of Glen Canyon National Recreation Area instead of the Spanish Bottom in Canyonlands National Park; and 3) define in rule the unlawful nature of destroying inspection certifications applied to watercraft leaving a Quagga Mussel affected waterbody or a watercraft inspection station.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 23-14-18 and Section 23-14-19 and Section 23-27-401

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The Division of Wildlife Resources (DWR) determines that these amendments do not create a cost impact to the state budget or DWR's budget. However, the 2014 legislative General Session appropriated \$245,000 to aid in the implementation costs associated with this rule.

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

◆ **SMALL BUSINESSES:** This rule may create a cost impact to boat owners and other water enthusiasts in Utah in that if Dreissena Mussels are found in Utah the cost to

decontaminate boats and other conveyances will be at the expense of the owner but should not impact small businesses owners.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule may create a cost impact to boat owners and other water enthusiasts in Utah in that if Dreissena Mussels are found in Utah the cost to decontaminate boats and other conveyances will be at the expense of the owner.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this rule may create a cost impact to individuals who own water vessels and boat in infested waters, because they would be required to decontaminate the conveyance.

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 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Gregory Sheehan, Director

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

#### **R657-60. Aquatic Invasive Species Interdiction.**

##### **R657-60-1. Purpose and Authority.**

(1) The purpose of this rule is to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within the State of Utah.

(2) This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 23-27-401, 23-14-18, and 23-14-19.

##### **R657-60-2. Definitions.**

(1) Terms used in this rule are defined in Section 23-13-2 and 23-27-~~101~~102.

(2) In addition:

(a) "Conveyance" means a terrestrial or aquatic vehicle, including a vessel, or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Decontaminate" or "Decontaminated" means to comply with one of the following methods:

(i) ~~Self~~If no adult mussels are attached to the conveyance after exiting the water body, an owner or operator may self-decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) removing all plants, fish, ~~mussels~~and mud from the equipment or conveyance;

(B) draining all water from the equipment or conveyance, including water held in ballast tanks, bilges, livewells, and motors; and

(C) drying the equipment or conveyance for no less than 7 days in June, July and August; 18 days in September, October, November, March, April and May; 30 days in December, January and February; or expose the equipment or conveyance to sub-freezing temperatures for 72 consecutive hours; or

(ii) Professionally decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) Using a professional decontamination service approved by the division to apply scalding water (140 degrees Fahrenheit) to completely wash the equipment or conveyance and flush any areas where water is held, including ballast tanks, bilges, livewells, and motors~~[-]; or~~

(iii) Complying with all protocols identified in a certificate of registration.

(c) "Detected Water" or "Detected" means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated in two consecutive sampling events using visual identification or microscopy and the results of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.

(d) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel and a Conrad's false mussel.

(e) "Controlling entity" means the owner, operator, or manager of a water body, facility, or a water supply system.

(f) "Equipment" means an article, tool, implement, or device capable of carrying or containing water or Dreissena mussel.

(g) "Facility" means a structure that is located within or adjacent to a water body.

(h) "Infested Water" or "Infested" means a water body, facility, water supply system, or geographic region where the presence of multiple age classes of attached Dreissena mussels is indicated in two or more consecutive sampling events using visual detection or microscopy and the result of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.

(i) "Juvenile or adult Dreissena mussel" means a macroscopic Dreissena mussel that is not a veliger.

(j) "Suspected Water" or "Suspected" means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated through a single sampling event using visual identification or microscopy and the result of that sampling event is confirmed in two independent polymerase chain reaction tests, each conducted at independent laboratories.

(k) "Veliger" means a microscopic, planktonic larva of Dreissena mussel.

(l) "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water.

(m) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

(n) "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, wastewater treatment, or culinary use, including a pump, canal, ditch or, pipeline.

(o) "Water supply system" does not include a water body.

**R657-60-5. Transportation of Equipment and Conveyances That Have Been in Waters Containing Dreissena Mussels.**

(1) The owner, operator, or possessor of any equipment or conveyance that has been in an infested water or in any other water subject to a closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water shall:

(a) immediately drain all water from the equipment or conveyance at the take out site, including water held in ballast tanks, bilges, livewells, motors, and other areas of containment; and

(b) immediately inspect the interior and exterior of the equipment or conveyance at the take out site for the presence of Dreissena mussels.

(2) If all water in the equipment or conveyance is drained and the inspection undertaken pursuant to Subsection (1)(b) reveals the equipment and conveyance are free from mussels or shelled organisms, fish, plants and mud, the equipment and conveyance may be transported in or through the state directly from the take out site to the location where it will be:

(a) ~~(i) professionally~~ decontaminated; or  
~~(ii) stored and self-decontaminated; or~~  
 (b) temporarily stored and subsequently returned to the same water body and take out site as provided in Subsection (5).

(3) If all the water in the equipment or conveyance is not drained or the inspection undertaken pursuant to Subsection (1)(b) reveals the equipment or conveyance has attached mussels or shelled organisms, fish, plants, or mud, the equipment and conveyance shall not be moved from the take out site until the division is contacted and written or electronic authorization received to move the equipment or conveyance to a designated location for professional decontamination.

(4) Except as provided in Subsection (5), a person shall not place any equipment or conveyance into a water body or water supply system in the state without first decontaminating the equipment and conveyance when the equipment or conveyance in the previous 30 days has been in:

(a) an infested water; or

(b) other water body or water supply system subject to a closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water.

(5) Decontamination is not required when a conveyance or equipment is removed from an infested water or other water body subject to decontamination requirements, provided the conveyance and equipment is:

(a) inspected and drained at the take out site, and is free from attached mussels, shelled organisms, fish, plants, and mud as required in Subsections (1) and (2);

(b) returned to the same water body and launched at the same take out site; and

(c) not placed in or on any other Utah water body in the interim without first being decontaminated.

(6)(a) Division personnel may provide the operator of a vessel leaving an infested water, or any water subject to a closure order under R657-60-8 or control plan under R657-60-9, with an inspection certification indicating the date which that vessel left the water body.

(b) An individual who receives a certification of inspection from the division must retain that certification of inspection until:

(i) the operator returns to the same body of water and receives a new certification of inspection upon leaving the water body;

(ii) the operator completes a certification of decontamination; or

(iii) the operator receives a professional decontamination certificate.

**R657-60-6. Certification of Inspection; Certification of Decontamination; Certificate of Registration to Perform Decontamination.**

(1) The owner, operator or possessor of a vessel desiring to launch on a water body in Utah must:

(a) present an inspection certificate to division personnel if required; and

(b) verify the vessel and any launching device, in the previous 30 days, have not been in an infested water or in any other water subject to closure order under R657-60-8 or control plan under R[656]657-60-9 that requires decontamination of conveyances and equipment upon leaving the water; or

(b) certify the vessel and launching device have been decontaminated.

(2) Certification of decontamination is satisfied by:

(a) previously completing self-decontamination since the vessel and launching device were last in a water described in Subsection (1)(~~a~~)~~b~~) and completely filling out and dating a decontamination certification form which can be obtained from the division; or

(b) providing a signed and dated certificate by a division approved professional decontamination service verifying the vessel and launching device were professionally decontaminated since the vessel and launching device were last in a water described in Subsection (1)(~~a~~)~~b~~); or

(~~3~~)~~c~~) complying with the terms identified in a certificate of registration issued for alternative decontamination measures.

(3) A certificate of registration to complete alternate forms of decontamination may be issued to an individual who:

(a) operates conveyances as a part of their business;

(b) whose conveyances cannot be decontaminated using self decontamination or professional decontamination as defined in R657-60-2(b)(i) and (ii).

(4) Both the decontamination certification form and the professional decontamination certificate, where applicable, must be signed and placed in open view in the window of the launching vehicle prior to launching or placing the vessel in a body of water.

(~~4~~)~~5~~(a) It is unlawful under Section 76-8-504 to knowingly falsify a decontamination certification form.

(b) It is unlawful under Section 23-13-11(2) to alter or destroy a certificate of inspection prior to completing a decontamination certification form.

(c) The division may suspend, revoke, or terminate a certificate of registration if the business entity or an employee thereof has violated a term of this rule, the Wildlife Resources Code, or a certificate of registration.

**R657-60-7. Wildlife Board Designations of Infested Waters.**

(1) The Wildlife Board may designate a geographic area, water body, facility, or water supply system as Infested with Dreissena mussels pursuant to Section 23-27-102 and 23-27-401 without taking the proposal to or receiving recommendations from the regional advisory councils.

(2) The Wildlife Board may designate a particular water body, facility, or water supply system within the state as Infested with Dreissena mussels when sampling indicates the water body, facility, or water supply system meets the minimum criteria for an Infested Water as defined in this rule.

(3) The Wildlife Board may designate a particular water body, facility, or water supply system outside the state as Infested with Dreissena mussels when it has credible evidence suggesting the presence of a Dreissena mussel in that water body, facility, or water supply system.

(4) Where the number of Infested Waters in a particular area is numerous or growing, or where surveillance activities or infestation containment actions are deficient, the Wildlife Board may designate geographic areas as Infested with Dreissena mussels.

(5) The following water bodies and geographic areas are classified as infested:

(a) all coastal and inland waters in:

(i) Colorado;

(ii) California;

(iii) Nevada;

(iv) Arizona;

(v) all states east of Montana, Wyoming, Colorado, and New Mexico;

(vi) the provinces of Ontario and Quebec Canada; and

(vii) Mexico;

(b) Lake Powell and that portion of the:

(i) Colorado River ~~[between Lake Powell and Spanish Bottoms in Canyonlands]~~ within the boundaries of Glen Canyon National [Park] Recreation Area;

(ii) Escalante River between Lake Powell and the Coyote Creek confluence;

(iii) Dirty Devil River between Lake Powell and the Highway 95 bridge; and

(iv) San Juan River between Lake Powell and Clay Hills Crossing; and

(c) other waters established by the Wildlife Board and published on the DWR website.

(6) The Wildlife Board may remove an infested classification if:

(a) the division samples the affected water body for seven (7) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical

or biological treatments, desiccation, or freezing, and the division verifies in writing that Dreissena mussels are no longer present.

**R657-60-8. Closure Order for a Water Body, Facility, or Water Supply System.**

(1)(a) The division may classify a water body, facility, or water supply system as suspected or detected if it meets the minimum criteria for suspected or detected, as defined in this rule.

(b) If the division classifies a water body, facility, or water supply system as either suspected or detected, the division director or designee may, with the concurrence of the executive director, issue an order closing the water body, facility, or water supply system to the introduction or removal of conveyances or equipment.

(c) The director shall consult with the controlling entity of the water body, facility, or water supply system when determining the scope, duration, level and type of closure that will be imposed in order to avoid or minimize disruption of economic and recreational activities.

(d) A closure order may;

(i) close the water entirely to conveyances and equipment;

(ii) authorize the introduction and removal of conveyances and equipment subject to the decontamination requirements in R657-60-2(2)(b) and R657-60-5; or

(iii) impose any other condition or restriction necessary to prevent the movement of Dreissena mussels into or out of the subject water.

(iv) a closure order may not restrict the flow of water without the approval of the controlling entity.

(2)(a) A closure order issued pursuant to Subsection (1) shall be in writing and identify the:

(i) water body, facility, or water supply system subject to the closure order;

(ii) nature and scope of the closure or restrictions;

(iii) reasons for the closure or restrictions;

(iv) conditions upon which the order may be terminated or modified; and

(v) sources for receiving updated information on the presence of Dreissena mussels and closure order.

(b) The closure order shall be mailed, electronically transmitted, or hand delivered to:

(i) the controlling entity of the water body, facility, or water supply system;

and

(ii) any governmental agency or private entity known to have economic, political, or recreational interests significantly impacted by the closure order; and

(iii) any person or entity requesting a copy of the order.

(c) The closure order or its substance shall further be:

(i) posted on the division's web page; and

(ii) published in a newspaper of general circulation in the state of Utah or the affected area.

(3)(a) If a closure order lasts longer than seven days, the division shall provide the controlling entity and post on its web page a written update every 10 days on its efforts to address the Dreissena mussel infestation.

(b) The 10 day update notice cycle will continue for the duration of the closure order.

(4)(a) Notwithstanding the closure authority in Subsection (1), the division may not unilaterally close or restrict a suspected or detected water supply system where the controlling entity has prepared and implemented a control plan in cooperation with the division that effectively controls the spread of Dreissena mussels from the water supply system.

(b) The control plan shall comply with the requirements in R657-60-9.

(5) Except as authorized by the Division in writing, a person may not violate any provision of a closure order.

(6) A closure order or control plan shall remain effective so long as the water body, water supply system, or facility remains classified as suspected or detected.

(7) The director or his designee may remove a Suspected classification if:

(a) the division samples the affected water body for three (3) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.~~[, or]~~

(8) The director or his designee may remove a detected classification if:

(a) the division samples the affected water body for five (5) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.

#### **R657-60-11. Conveyance or Equipment Detainment.**

(1) To eradicate and prevent the infestation of a Dreissena mussel, the division may:

(a) ~~temporary~~ temporarily stop, detain, inspect, and impound a conveyance or equipment that the division reasonably believes is in violation of Section 23-27-201 or R657-60-5;

(b) order a person to decontaminate a conveyance or equipment that the division reasonably believes is in violation of Section 23-27-201 or R657-60-5.

(2) The division, a port-of-entry agent or a peace officer may detain or impound a conveyance or equipment if:

(a) the division, agent, or peace officer reasonably believes that the person transporting the conveyance or equipment is in violation of Section 23-27-201 or R657-60-5.

(3) The detainment or impoundment authorized by Subsection (2) may continue for:

(a) up to five days; or

(b) the period of time necessary to:

(i) decontaminate the conveyance or equipment; and

(ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

**KEY: fish, wildlife, wildlife law**

**Date of Enactment or Last Substantive Amendment: ~~[June 24, 2014]~~2015**

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

**Authorizing, and Implemented or Interpreted Law: 23-27-401; 23-14-18; 23-14-19**

## Natural Resources, Wildlife Resources **R657-63** Self Defense Against Wild Animals

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39716

FILED: 09/08/2015

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This purpose of this rule is to define conditions and circumstances under which a person is legally justified in killing or seriously wounding a threatening or attacking wildlife animal.

**SUMMARY OF THE RULE OR CHANGE:** This rule amendment changes a person's responsibility from "safely retreat from the danger" to a person has the responsibility to "safely avoid the danger". This amendment brings the rule in line with general self-defense laws.

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

### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule amendment brings the rule in line with other self-defense laws in Utah. 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:** Since this rule amendment only brings this rule in line with other Utah self-defense rules, this filing does not create any direct cost or savings impact to local governments since they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** Since this rule amendment only brings this rule in line with other Utah self-defense rules, this filing does not create any direct cost or savings impact to small businesses since they are not directly affected by the rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Since this rule amendment only brings this rule in line with other Utah self-defense rules, this filing does not create any direct cost or savings impact to other persons since they are not directly affected by the rule.

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

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 11/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015

AUTHORIZED BY: Gregory Sheehan, Director

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

##### **R657-63. Self Defense Against Wild Animals.**

###### **R657-63-1. Purpose and Authority.**

(1) The purpose of this rule is to define conditions and circumstances under which a person is legally justified in killing or seriously wounding a threatening or attacking wildlife animal.

(2) This rule is established and promulgated by the Wildlife Board under authority of Sections 23-14-18 and 23-14-19.

###### **R657-63-3. Self Defense.**

(1) A person is legally justified in killing or seriously injuring a threatening wild animal when the person reasonably believes such action is necessary to protect them self, another person, or a domestic animal against an imminent attack by the wild animal that will likely result in severe bodily injury or death to the victim.

(2)(a) In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors:

([a]i) the nature of the danger;

([b]ii) the immediacy of the danger;

([c]iii) the probability that the threatening wild animal will attack;

([d]iv) the probability that the attack will result in death or serious bodily injury;

([e]v) the ability to safely ~~retreat;~~ avoid the danger;

([f]vi) the fault of the person in creating the encounter;

and

([g]vii) any previous pattern of aggressive or threatening behavior by the individual wild animal which was known to the person claiming self defense.

(b) Notwithstanding Subsection (2)(a), a person who is legally located or traveling in a place where attacked or approached by a threatening wild animal is not required to retreat.

(c) In all cases involving a reasonably plausible assertion of self defense, it is presumed the life and safety of a human being is paramount to the life or safety of a wild animal.

(3)(a) A person shall notify the division within 12 hours after killing or wounding a wild animal under Subsection (1).

(b) No wild animal killed pursuant to Subsection (1) or the parts thereof may be removed from the site, repositioned, retained, sold, or transferred without written authorization from the division.

(4)(a) A person is not legally justified in killing or seriously injuring a threatening wild animal under the circumstances specified in Subsection (1) if the person[:

(i) ~~has the ability to safely retreat from the threatening animal and fails to do so, except when the animal enters a home, tent, camper, or other permanent or temporary living structure occupied at the time by the person or another person; or~~

(ii) intentionally, knowingly, or recklessly provokes or attracts the wild animal into a situation in which it is probable it will threaten the person, another person, or a domestic animal.

(b) Notwithstanding Subsection (4)(a)(ii), a person lawfully pursuing a cougar or bear with dogs may seriously injure or kill that cougar or bear when they reasonably believe such action is necessary to protect them self or another person against an imminent attack that will likely result in severe bodily injury or death.

(5) A person that kills or seriously injures a wild animal that enters a home, tent, camper, or other permanent or temporary living structure occupied by a person is presumed to have acted reasonably and had a reasonable fear the wild animal's entry presented an imminent threat of severe bodily injury or death to an occupant of the structure, provided the intruding wild animal is:

(a) reasonably perceived as an animal physically capable of causing severe bodily injury or death to a human being; and

(b) killed or injured while attempting to enter, entering, or occupying the involved structure.

**KEY: wildlife**

**Date of Enactment or Last Substantive Amendment: ~~[March 14, 2014]~~2015**

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

## **Public Safety, Peace Officer Standards and Training R728-409**

### **Suspension, Revocation, or Relinquishment of Certification**



**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 39738

FILED: 09/14/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to add language regarding the reporting of officer misconduct to Peace Officer Standards and Training. Also added to the rule are definitions of traffic violations specifically relating to this rule.

**SUMMARY OF THE RULE OR CHANGE:** Added to this rule is direction regarding how a chief, sheriff, or administrative officer of an agency employing a certified peace officer or dispatcher, who is made aware of an allegation against a certified peace officer or dispatcher is to report the allegation. Also added to this rule amendment are the definitions of what traffic offenses apply.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53-6-105(1)(k)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget with this rule change. This rule outlines how a respondent's certification is suspended or revoked for violations of state or federal law. Further, the rule now provides direction on how a violation should be reported to Peace Officer Standards and Training.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs to local government with this rule change. This rule outlines how a respondent's certification is suspended or revoked for violations of state or federal law. Further, the rule now provides direction on how a violation should be reported to Peace Officer Standards and Training.

♦ **SMALL BUSINESSES:** There are no anticipated costs to small businesses with this rule change. This rule outlines how a respondent's certification is suspended or revoked for violations of state or federal law. Further, the rule now provides direction on how a violation should be reported to Peace Officer Standards and Training.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no persons affected with this rule change. This rule outlines how a respondent's certification is suspended or revoked for violations of state or federal law. Further, the rule now provides direction on how a violation should be reported to Peace Officer Standards and Training.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons with the change of this rule. This rule outlines how a respondent's certification is suspended or revoked for violations of state or federal law. Further, the rule now provides direction on how a violation should be reported to Peace Officer Standards and Training.

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

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

PUBLIC SAFETY  
PEACE OFFICER STANDARDS AND TRAINING  
410 W 9800 S  
SANDY, UT 84070  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Debbie Johnson by phone at 801-592-8883, by FAX at 801-965-4608, or by Internet E-mail at debbiejohnson@utah.gov  
♦ Kelly Sparks by phone at 801-256-2321, by FAX at 801-256-0600, or by Internet E-mail at ksparks@utah.gov  
♦ Wade Breur by phone at 801-256-2329, or by Internet E-mail at wbreur@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY: Scott Stephenson, Director**

**R728. Public Safety, Peace Officer Standards and Training.****R728-409. Suspension, Revocation, or Relinquishment of Certification.****R728-409-1. Authority.**

[Section] This rule is authorized by Subsection 53-6-105(1)(k), which provides that the director shall, with the advice of the council, make rules necessary to administer Title 53 Chapter 6.

**R728-409-2. Purpose.**

The purpose of this rule is to establish procedures for the suspension, revocation, or relinquishment of a respondent's certification.

**R728-409-3. Definitions.**

- (1) Terms used in this rule are defined in Section 53-6-102.
- (2) In addition:
  - (a) "ALJ" means an administrative law judge who conducts administrative hearings as described in Subsections 53-6-211(3) and 53-6-309(3);
  - (b) "[~~on~~]On duty" means that a respondent is:
    - (i) actively engaged in any of the duties of the respondent's employment as a peace officer or dispatcher;
    - (ii) receiving compensation for activities related to the respondent's employment as a peace officer or dispatcher;
    - (iii) on the property of a law enforcement facility, correctional facility or dispatch center;
    - (iv) in a law enforcement vehicle which is located in a public place; or

(v) in a public place and is wearing a badge or uniform, authorized by the respondent's employer, which readily identifies the wearer as a peace officer or dispatcher;

(c) "~~relinquish~~Relinquish" means the permanent deprivation of the respondent's certification, to include any and all peace officer or dispatcher certifications, pursuant to Section 53-6-211.5 or 53-6-311, which precludes a respondent from:

(i) admission into a training program conducted by, or under the approval of, the division; or

(ii) reinstatement or restoration of the respondent's certification by the division;

(d) "~~respondent~~Respondent" means a peace officer or dispatcher against whom the division has initiated an investigation or adjudicative proceeding under Sections 53-6-211 or 53-6-309;

(e) "~~revocation~~Revocation" means the permanent deprivation of a respondent's certification, to include any and all peace officer or dispatcher certifications, which precludes a respondent from:

(i) admission into a training program conducted by, or under the approval of, the division; or

(ii) reinstatement or restoration of the respondent's certification by the division;

(f) "~~sexual~~Sexual conduct" means the touching of the anus, buttocks or any part of the genitals of a person, or the touching of the breast of a female, whether or not through clothing, with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant; and

(g) "~~suspension~~Suspension" means the temporary deprivation of a respondent's certification ~~[-]~~ to include any and all peace officer or dispatcher certifications; and

(h) "Traffic offense" means all offenses in the following parts:

(i) 41-6a, Part 3, Traffic-Control Devices;

(ii) 41-6a, Part 6, Speed Restrictions;

(iii) 41-6a, Part 7, Driving on Right Side of Highway and

Passing;

(iv) 41-6a, Part 8, Turning and Signaling for Turns;

(v) 41-6a, Part 9, Right-of-Way;

(vi) 41-6a, Part 10, Pedestrians' Rights and Duties;

(vii) 41-6a, Part 11, Bicycles, Regulations of Operation;

(viii) 41-6a, Part 12, Railroad Trains, Railroad Grade

Crossings, and Safety Zones;

(ix) 41-6a, Part 13, School Buses and School Bus Parking

Zones;

(x) 41-6a, Part 14, Stopping, Standing, and Parking;

(xi) 41-6a, Part 15, Special Vehicles;

(xii) 41-6a, Part 16, Vehicle Equipment;

(xiii) 41-6a, Part 17, Miscellaneous Rules; and

(xiv) 41-6a, Part 18, Motor Vehicle Safety Belt Usage

Act.

#### **R728-409-4. Investigative Procedure.**

(1) The division shall initiate an investigation when it receives information from any reliable source that a violation of Subsections 53-6-211(1) or 53-6-309(1) has occurred, including when:

(a) [a]A respondent is charged with or convicted of a crime;

(b) ~~there~~There is evidence a respondent has engaged in conduct which is a criminal act under law, but which has not been criminally charged or where criminal prosecution is not anticipated;

(c) [a]A respondent's employer notifies the division that the respondent has been investigated, disciplined, terminated, retired or resigned as a result of conduct in violation of Subsections 53-6-211(1) or 53-6-309(1);

(d) [a]A person makes a complaint regarding a violation of Subsections 53-6-211(1) or 53-6-309(1) and there is independent evidence to support the complaint;

(e) [a] violation of Subsections 53-6-211(1) or 53-6-309(1) is reported in the media and there is independent evidence to confirm that the conduct occurred; or

(f) [a]A background investigation indicates that a respondent has engaged in conduct in violation of Subsections 53-6-211(1) or 53-6-309(1).

(2) The division may not investigate conduct which is limited to:

(a) [a]A violation of an employer's policy or procedure; or

(b) ~~sexual~~Sexual activity protected under the right of privacy recognized by the United States Supreme Court in *Lawrence v. Texas*, 539 U.S. 558 (2003).

(3) A person seeking to file a complaint against a respondent may be asked to sign a written statement, detailing the incident and swearing to the accuracy of the statement after being advised that providing a false statement may result in prosecution under Section 76-8-511, Falsification of Government Record.

(4) An investigator from the division shall be assigned to investigate the complaint and ensure that the investigation is fully documented in the investigative case file.

(5)(a) If a respondent under investigation is employed as peace officer or dispatcher, the division shall notify the respondent's employer concerning the complaint or investigation, unless the nature of the complaint would make such a course of action impractical.

(b) The division shall keep a record of the date the employer and the respondent are notified.

(6) The division shall refer any complaints of a criminal nature against a respondent to the appropriate law enforcement agency having jurisdiction over the crime for investigation and prosecution if such a referral has not already been made.

(7) If the respondent's employer has an open and active investigation, the division may wait until the employer has completed its investigation before taking action unless the division determines it is not in the public's best interest to delay the investigation.

(8) The division may use the information gathered by the respondent's employer in its investigation.

(9) The division shall take action based on the actual conduct of the respondent as determined by the division's own independent investigation, not on any findings or sanctions issued by the respondent's employer or the court.

(10) Witnesses and other evidence may be subpoenaed during an investigation pursuant to Sections 53-6-210 and 53-6-308.

(11) If ordinary investigative procedures cannot resolve the facts at issue, a respondent may be requested to submit to a polygraph examination.

(12) The director may immediately suspend a respondent's certification as provided in Section 63G-4-502 if the director believes it is necessary to ensure the safety and welfare of the public, the continued public trust or professionalism of law enforcement.

(13) Once the investigation is concluded, the division shall determine whether there is sufficient evidence to proceed with an adjudicative proceeding.

(14) If the division determines there is insufficient evidence to find that a respondent engaged in conduct in violation of Subsections 53-6-211(1) or 53-6-309(1), the director shall issue a letter to the respondent indicating that the investigation has been concluded and that the division shall take no action.

**R728-409-5. Purpose of Adjudicative Proceedings.**

(1) The purpose of an adjudicative proceeding is to determine whether there is sufficient evidence to find that the respondent engaged in the conduct alleged in the Notice of Agency Action by clear and convincing evidence and whether such conduct falls within the grounds for administrative action enumerated in Subsections 53-6-211(1) or 53-6-309(1).

(2) All adjudicative proceedings initiated by the division for the purpose of suspending or revoking a respondent's certification shall be formal proceedings as provided by Section 63G-4-202.

**R728-409-6. Commencement of Adjudicative Proceedings - Filing of the Notice of Agency Action.**

(1) Except as provided by 63G-4-502, all adjudicative proceedings initiated by the division for the purpose of suspending or revoking a respondent's certification shall be commenced by the filing of a Notice of Agency Action.

(2) The Notice of Agency Action shall be signed by the director and comply with the requirements of Section 63G-4-201.

(3) The Notice of Agency Action shall be filed with the division and a copy sent to the respondent by certified mail.

**R728-409-7. Responsive Pleadings.**

(1) The respondent shall file a written response with the division, signed by the respondent or the respondent's attorney, within 30 days [~~from the date the Notice of Agency Action is signed by the director~~]of the mailing date of the Notice of Agency Action.

(2) The written response shall comply with the requirements in Section 63G-4-204.

**R728-409-8. Hearing Waivers.**

(1) Once a Notice of Agency Action has been issued, the division shall send a hearing waiver form to the respondent.

(2) The respondent shall have 30 days from [~~the date the Notice of Agency Action is signed by the director~~]the mailing date of the Notice of Agency Action to sign a hearing waiver.

(3)(a) If the respondent does not waive the right to a hearing before the ALJ, the adjudicative proceeding will continue.

(b) The period of time in which the respondent must file a responsive pleading to the Notice of Agency Action is not extended if the respondent does not sign a hearing waiver.

(4) If the respondent signs a hearing waiver and files it with the division, the matter shall be heard at the next regularly scheduled council meeting.

**R728-409-9. Default.**

(1) The ALJ may enter an order of default against a respondent if:

(a) [~~the~~]The respondent fails to file the response required in rule R728-409-7; or

(b) [~~the~~]The respondent fails to attend or participate in the hearing.

(2) The order of default shall include a statement of the grounds for default and shall indicate that the matter will be heard at the next regularly scheduled council meeting.

(3) The order of default shall be filed with the division and a copy sent to the respondent by certified mail.

(4)(a) The respondent may seek to set aside the default order by filing a motion within [~~3 months~~]90 days from the date of the order of default as provided in Section 63G-4-209.

(b) The ALJ may set aside an order of default [~~before the matter is heard by the council~~] for good cause shown.

**R728-409-10. Scheduling a Hearing before the ALJ.**

(1)(a) If the division receives a responsive pleading from the respondent, a notice containing the location, date and time for the hearing shall be issued by the division.

(b) The notice of hearing shall be filed with the division and a copy sent to the respondent by certified mail.

(2) The hearing shall be held within a reasonable time after service of the responsive pleading unless a later scheduling is ordered by the ALJ, or mutually agreed upon by the respondent and the division.

**R728-409-11. Discovery and Subpoenas.**

(1)(a) In formal POST adjudicative proceedings parties may conduct only limited discovery.

(b) A respondent's right to discovery does not extend to interrogatories, requests for admissions, request for the production of documents, request for the inspection of items, or depositions.

(2) Upon request, the respondent is entitled to a copy of the materials contained in the division's investigative file that the division intends to use in the adjudicative proceeding.

(3)(a) The disclosure of all discovery materials is subject to the provisions in the Government Records Access and Management Act, Section 63G-2-101 et seq.

(b) The division may charge a fee for discovery in accordance with Section 63G-2-203.

(4) Subpoenas and other orders to secure the attendance of witnesses or the production of evidence for adjudicative proceedings shall be issued by the division pursuant to Sections 53-6-210 and 53-6-308, by the ALJ when requested by any party, or by the ALJ on his own motion pursuant to Section 63G-4-205.

**R728-409-12. Hearing Procedures.**

(1) All hearings shall be conducted by the ALJ in accordance with Section 63G-4-206.

(2)(a) At the hearing, the respondent has the right to be represented by an attorney.

(b) Legal counsel will not be provided to the respondent by the division and all costs associated with representation will be the sole responsibility of the respondent.

**R728-409-13. ALJ Decision.**

(1)[~~(a)~~] Within 30 days from the date a hearing is held, the ALJ shall sign and issue a written decision, which includes a statement of:

[~~(b)~~](a) [~~the~~]The ALJ's findings of fact based exclusively on the evidence of record in the adjudicative hearing or on facts officially noted;

~~(e)~~(b) ~~the~~The ALJ's conclusions of law; and

~~(d)~~(c) ~~the~~The reasons for the ALJ's decision.

~~(e)~~(2) If the ALJ determines there is sufficient evidence to find that the respondent engaged in conduct in violation of Subsections 53-6-211(1) or 53-6-309(1), the ALJ's decision shall indicate that the matter will be heard at the next regularly scheduled council meeting.

(3) If the ALJ determines there is insufficient evidence to find that the respondent engaged in conduct in violation of Subsections 53-6-211(1) or 53-6-309(1), the matter shall be dismissed.

(4) The ALJ's decision shall be filed with the division and a copy sent to the respondent by certified mail.

#### **R728-409-14. Action by the Council.**

(1) If the respondent waives the right to a hearing with ~~a~~an ALJ, there has been an order of default, or a ~~decision~~findings of fact is issued by the ALJ, the division shall present the matter to the council at its next regularly scheduled meeting.

(2) The division shall notify the respondent of the date, time, and location of the council meeting.

(3)(a) Prior to the council meeting, the division shall provide the council with the pleadings contained in the administrative file.

(b) The division shall also provide the council with any written information or comments provided by the respondent's employer.

(4) At the council meeting the respondent or the respondent's attorney may address the council regarding whether the respondent's certification should be suspended or revoked.

(5) The council shall review the matter and determine whether suspension or revocation of the respondent's certification is appropriate based upon the facts of the case and the POST Disciplinary Guidelines which were adopted on June 7, 2010 and amended on June ~~5, 2013~~22, 2015.

#### **R728-409-15. Final Order.**

(1) After the council has decided the matter, the council chairperson shall issue a final order within 30 days of the council meeting.

(2) The final order shall indicate the action taken by the council with regards to the respondent's certification and shall include information on the appeal process outlined in R728-409-16.

(3) The council's action shall be effective on the date that the final order is signed by the chairperson.

(4)(a) The final order shall be filed with the division.

(b) A copy of the final order shall be sent to:

(i) the respondent by certified mail; and

(ii) the respondent's employer by regular mail, if the respondent is employed as peace officer or dispatcher.

#### **R728-409-16. Judicial Review.**

(1) A respondent may obtain judicial review of the council's action by filing a petition for judicial review with the Utah Court of Appeals within 30 days after the date that the final order is issued by the council chairperson.

(2) The petition must meet all requirements specified in Sections 63G-4-401 and 63G-4-403.

#### **R728-409-17. Relinquishment Procedures.**

(1) At any time after the division receives a complaint that a respondent has engaged in conduct described in Subsections 53-6-211(1) or 53-6-309(1), a respondent who is the subject of the complaint may voluntarily relinquish the respondent's certification by submitting a Relinquishment of Certification form to the division.

(2) The Relinquishment of Certification form must be signed by the respondent and notarized.

(3) As soon as the division receives a properly executed Relinquishment of Certification form, the respondent's certification shall be terminated and the respondent will no longer be a certified peace officer or dispatcher.

(4) Upon the termination of the respondent's certification, the division's investigation into the complaint and any adjudicative proceedings will cease.

(5) Notice of the termination of the respondent's certification shall be provided to:

(a) ~~the~~The respondent;

(b) ~~the~~The respondent's employer if the respondent is employed as a peace officer or dispatcher; and

(6) ~~the~~The National Peace Officer De-Certification database administered by the International Association of Directors of Law Enforcement Standards and Training, if the respondent is a peace officer.

#### **R728-409-18. Reporting Violations of 53-6-211(1) or 53-6-309(1).**

(1) A chief, sheriff or administrative officer of an agency employing a certified peace officer or dispatcher who is made aware of an allegation against a certified peace officer or dispatcher employed by that agency as provided in Subsection 53-6-211(6) or 53-6-309(6) shall report the allegation to the division within 90 days if the allegation is found to be true.

(2) A chief, sheriff or administrative officer of an agency employing a certified peace officer or dispatcher who fails to report to the division within 90 days an allegation that is found to be true shall appear before the council at the next regularly scheduled council meeting to explain why the allegation was not reported.

**KEY: certification, investigations, revocations, relinquishments**

**Date of Enactment or Last Substantive Amendment: ~~December 22, 2014~~2015**

**Notice of Continuation: December 21, 2011**

**Authorizing, and Implemented or Interpreted Law: 53-6-211; 53-6-211.5; 53-6-309; 53-6-311**

## Technology Services, Administration **R895-11** Technology Services Adjudicative Proceedings

### NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 39731

FILED: 09/14/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section 63G-4-202 allows for agencies to create rules related to adjudicative proceedings within the department. This rule is not required by the department. Title 63G, Chapter 4, Utah Administrative Procedures Act, details the requirements for adjudicative proceedings.

**SUMMARY OF THE RULE OR CHANGE:** Section 63G-4-202 allows for agencies to create rules related to adjudicative proceedings within the department. This rule is not required by the department. Title 63G, Chapter 4, Utah Administrative Procedures Act, details the requirements for adjudicative proceedings. This rule is repealed in its entirety.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63G-4-202

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget with the repeal of the rule.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government with the repeal of the rule.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses with the repeal of the rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to other persons with the repeal of the rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons with the repeal of the rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact to businesses. The rule will not affect businesses in any way.

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

TECHNOLOGY SERVICES  
 ADMINISTRATION  
 ROOM 6000 STATE OFFICE BUILDING  
 450 N STATE ST  
 SALT LAKE CITY, UT 84114  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stweiss@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/02/2015**

**THIS RULE MAY BECOME EFFECTIVE ON: 11/09/2015**

**AUTHORIZED BY:** Mark VanOrden, Executive Director and CIO

**R895. Technology Services, Administration.**

~~**R895-11. Technology Services Adjudicative Proceedings.**~~

~~**R895-11-1. Purpose.**~~

~~Any adjudicative proceedings initiated according to the Utah Administrative Procedures Act, Section 63G-4-202, which fall under the jurisdiction of the Department of Technology Services are designated as informal proceedings.~~

~~**R895-11-2. Authority.**~~

~~Chapter 4 of Title 63G, Utah Administrative Procedures Act, requires this rule. It is enacted under the authority of Section 63F-1-206.~~

~~**R895-11-3. Definitions.**~~

~~The terms used in this rule are defined in Section 63G-4-103. In addition, "division" means the Division of Enterprise Services, and "department" means the Department of Technology Services.~~

~~**R895-11-4. Informal Procedures.**~~

~~All matters subject to Title 63G, Chapter 4 over which the division has jurisdiction shall be informally adjudicated. The director of the division or his or her designee shall be the presiding officer over any proceeding. The following procedures shall be followed:~~

~~A. No response need be filed to the notice of division action ("Notice") or request for division action ("Request").~~

~~B. The division shall hold a hearing only if: (1) a hearing is required by statute, or (2) a hearing is permitted by statute and a request for hearing is made within ten days after receipt of the Notice or Request. Otherwise, at the discretion of the division director, no hearing will be held.~~

~~C. Any hearing shall be open to all parties and held only after timely notice is given.~~

~~D. Only parties named in the Notice or Request shall be permitted to testify, present evidence, and comment on the issues.~~

~~E. No discovery, either compulsory or voluntary, shall be permitted. All parties to any action shall have access to information not restricted by law contained in the division's files or any investigatory information or materials.~~

~~F. No person (as defined in Administrative Procedures Act, Section 63G-4-103) may intervene in a division action unless federal statute or rule requires the division to allow intervention.~~

~~G. Within 30 days after the close of any hearing held under this rule, the division director shall issue a written decision. This decision shall state the reasons for the decision and include a notice of right of administrative review or appeal at the department level.~~

~~H. The division director's decision shall be based on the facts in the agency file and on evidence presented at the hearing, if held.~~

~~I. The division shall notify the parties of the division director's decision by promptly mailing a copy to each party at the address shown in the file.~~

~~———— J. An order issued under the provisions of this rule shall be the final order of the division and may be appealed to the department head.~~

**~~R895-11-5. Appeals Procedure.~~**

~~———— A. A written petition from the appealing party to the division director shall initiate an appeal. B. The division director shall review the issue and respond to the appealing party within 20 days. Conferences may be held to discuss the issue before a written response is given.~~

~~———— C. The appealing party may appeal the decision of the division director to the department director. All appeals must be in writing. If the department director does not respond within 30 days, the appeal is deemed denied.~~

**~~KEY: information technology, appellate procedures~~**

**~~Date of Enactment or Last Substantive Amendment: 1992~~**

**~~Notice of Continuation: February 15, 2011~~**

**~~Authorizing, and Implemented or Interpreted Law: 63G-4-202; 63F-1-206]~~**

---

**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

---

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends November 2, 2015.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

From the end of the 30-day waiting period through January 29, 2016, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

---

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

**Environmental Quality, Air Quality**  
**R307-230**  
**NOx Emission Limits for Natural Gas-Fired Water Heaters**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 39355  
 FILED: 09/15/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the rule is to reduce Nitrogen Oxides (NOx) emissions. The rule is necessary to help attain the federal PM2.5 standard.

**SUMMARY OF THE RULE OR CHANGE:** The changes in the proposed rule consist of the following: 1) a uniform implementation date of 11/01/2017; 2) a clarification to the prohibition on selling or installing certain water heaters; 3) a clearer delineation of the categories of water heaters; 4) a clarification regarding the labeling of the water heaters; and 5) a method by which manufacturers should use to comply with the rule. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the June 1, 2015, issue of the Utah State Bulletin, on page 90. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-2-101 and Section 19-2-104

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The changes to the proposed rule will require some counties to comply with the rule a year earlier than the proposed rule initially stated. However, an earlier compliance date results in only a negligible increase in cost. Ultra-low NOx water heaters are already available in California at prices comparable to water heaters that don't meet the ultra-low NOx levels. There should be no additional costs to the state budget by requiring compliance statewide by 11/01/2017.

◆ **LOCAL GOVERNMENTS:** The changes to the proposed rule will require some counties to comply with the rule a year earlier than the proposed rule initially stated. However, an earlier compliance date results in only a negligible increase in cost. Ultra-low NOx water heaters are already available in California at prices comparable to water heaters that don't meet the ultra-low NOx levels. There should be no additional costs to local government budgets.

◆ **SMALL BUSINESSES:** After the rule is implemented, any water heater that small businesses need to install will need to meet the ultra-low NOx levels of the rule. Because suppliers and installers will have adequate time to build their supply and because ultra-low NOx water heaters are already available in California at prices comparable to water heaters that don't meet the ultra-low NOx levels, there should be no additional costs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After the rule is implemented, any water heater that small businesses need to install will need to meet the ultra-low NOx levels of the rule. Because suppliers and installers will have adequate time to build their supply and because ultra-low NOx water heaters are already available in California at prices comparable to water heaters that don't meet the ultra-low NOx levels, there should be no additional costs. Businesses that manufacture water heaters may also save money as a result of the change in the proposed rule because the changes in the rule eliminate any requirement to have ratings labels on the packaging.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Because installers and vendors have a phase-in period in which to cycle through their current inventories and buildup their ultra-low NOx inventories and because prices of the ultra-low NOx heaters are comparable to other water heaters, there is no anticipated compliance costs for affected persons. The changes to the proposed rule make the phase-in period uniform throughout the state. A box labeling requirement was also eliminated from the rule, which could cut costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Because installers and vendors have a phase-in period in which to cycle through their current inventories and build up their ultra-low NOx inventories and because prices of the ultra-low NOx heaters are comparable to other water heaters, there is no anticipated fiscal impact on businesses.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at [rstephens@utah.gov](mailto:rstephens@utah.gov)

**THIS RULE MAY BECOME EFFECTIVE ON:** 11/02/2015

**AUTHORIZED BY:** Bryce Bird, Director



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

**R307-230. NO<sub>x</sub> Emission Limits for Natural Gas-Fired Water Heaters.**

**R307-230-1. Purpose.**

The purpose of R307-230 is to reduce emissions of nitrogen oxides (NO<sub>x</sub>) from natural gas-fired water heaters.

**R307-230-2. Applicability.**

R307-230 applies to the sale and installation of natural gas-fired water heaters beginning November 1, 2017, on the implementation schedule as outlined in Table 1:

Table 1  
Statewide Implementation Schedule of R307-230

Location	Rule Implementation Date
Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber Counties	January 1, 2017
Washington, Duchesne and Uintah Counties	January 1, 2018
Remaining portions of Utah	January 1, 2019

**R307-230-3. Exemptions.**

The requirements of R307-230 shall not apply to:

- (1) ~~units~~ water heaters using a fuel other than natural gas;
- (2) ~~units~~ water heaters used in recreational vehicles;
- (3) ~~units~~ water heaters manufactured in Utah for shipment and use outside of Utah; and
- (4) water heaters manufactured before November 1, 2017.

**R307-230-4. Definitions.**

The following additional definitions apply to R307-~~370~~230:

"Heat output" means the enthalpy of the working fluid output of the unit.

~~"Heat input" means the heat of combustion released by fuels burned in a unit based on the higher heating value of fuel. This does not include the enthalpy of incoming combustion air.~~

"Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy.

"Natural gas-fired water heater" means a device that heats water by the combustion of natural gas to a thermostatically-controlled temperature not exceeding 210 degrees F (99 degrees C) for use external to the vessel at pressures not exceeding 160 psig.

**R307-230-5. Standards.**

(1) ~~Beginning on the rule implementation date specified in Table 1 for each area of the state, n~~ No person shall sell or install any natural gas-fired water heater with an emission rate exceeding the limits ~~in Table 2~~ described in R307-230-5(1)(a). ~~The NO<sub>x</sub> limits are expressed in nanograms of nitrogen oxides (calculated as NO<sub>2</sub>) per Joule of heat output.~~

TABLE 2  
NO<sub>x</sub> Emission Rate for Natural Gas-Fired Water Heaters

Category	Limits (ng/Joule)
Water heater up to 75,000 BTU/hr, excluding those installed in mobile homes	10
Water heater 75,001-2,000,000 BTU/hr	14
Any tank with power assist	10
Mobile home water heater	40
Pool/spa heater less than 400,000 BTU/hr	40
Pool/spa heater 400,001-2,000,000 BTU/hr	14

(a) Subsections R307-230-5(1)(i)-(v) provide the NO<sub>x</sub> emission limits for natural gas-fired water heaters.

(i) Water heaters up to 75,000 BTU/hr, excluding those in mobile homes: 10 ng/Joule of heat output or 15 ppm at 3% O<sub>2</sub>.

(ii) Water heaters 75,001-2,000,000 BTU/hr: 14 ng/Joule of heat output or 20 ppm at 3% O<sub>2</sub>.

(iii) Mobile home water heaters: 40 ng/Joule of heat output or 55 ppm at 3% O<sub>2</sub>.

(iv) Pool/spa heaters less than or equal to 400,000 BTU/hr: 40 ng/Joule of heat output or 55 ppm at 3% O<sub>2</sub>.

(v) Pool/spa heaters 400,001-2,000,000 BTU/hr: 14 ng/Joule of heat output or 20 ppm at 3% O<sub>2</sub>.

(2) The water heater manufacturer shall display the model number on each unit and the appropriate NO<sub>x</sub> emission rate ~~ing~~ on a water heater complying with this rule on the shipping carton and on ~~the~~ a permanent ~~rating plate of each~~ label on each unit.

(3) Manufacturers shall use SCAQMD Method 100-1 to comply with the NO<sub>x</sub> standards in R307-230-5(1)(a).

**KEY: water heaters, natural gas, NO<sub>x</sub>, air quality**

**Date of Enactment or Last Substantive Amendment: 2015  
Authorizing, and Implemented or Interpreted Law: 19-2-101;  
19-2-104**

**End of the Notices of Changes in Proposed Rules Section**



## NOTICES OF 120-DAY (EMERGENCY) RULES

---

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.

---

### Agriculture and Food, Administration **R51-1** Public Petitions for Declaratory Rulings

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 39636  
FILED: 09/02/2015

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The rule establishes the procedures for submission, review, and disposition of public petitions to the department.

**SUMMARY OF THE RULE OR CHANGE:** The rule specifies who may fill a petition, how to fill the petition, and who may review the petition. It also specifies the requirements of the department in preparing a declaratory ruling. It also details the time frame for response and the method for notifying the petitioner.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63G-3-201 and Section 63G-4-503

#### EMERGENCY RULE REASON AND JUSTIFICATION:

**REGULAR RULEMAKING PROCEDURES WOULD** place the agency in violation of federal or state law.

**JUSTIFICATION:** This rule ensures proper procedures are in place for the department to comply with Sections 63G-3-201 and 63G-4-503.

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be no new cost associated with this rule. The department has resources in place to comply with the requirements of this rule. People are already trained and in position to enforce this rule.

◆ **LOCAL GOVERNMENTS:** There are no costs or savings anticipated to affect the local governments. There are no elements of this rule which are to be enforced by local governments, nor are there provisions that require action by local governments.

◆ **SMALL BUSINESSES:** The rule sets out the proper procedures to petition for a declaratory ruling, there are no costs associated with the petition. Small businesses have no cost or savings associated with the procedures set out in this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no fees or requirements associated with the rule which would affect any person outside of the department.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule does not require any person or entity to pay any cost in the enforcement of this rule. The rule only establishes procedures to be followed by the public and the department when filing a petition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule simply establishes the procedures to be followed in order to submit and review public petitions. There are no additional costs to the state budget or affected persons under this rule.

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

AGRICULTURE AND FOOD  
ADMINISTRATION  
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  
♦ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

EFFECTIVE: 09/02/2015

AUTHORIZED BY: LuAnn Adams, Commissioner

**R51. Agriculture and Food, Administration.**

**R51-1. Public Petitions for Declaratory Rulings.**

**R51-1-1. Authority.**

This rule is promulgated under the authority of Section 63G-3-201, and Section 63G-4-503, and provides the procedures for submission, review, and disposition of petitions for agency declaratory rulings on the applicability of statutes, rules, and orders governing or issued by the Department of Agriculture and Food.

**R51-1-2. Definitions.**

A. Terms used in this rule are defined in Section 63G-3-102, except "Agency" means The Utah Department of Agriculture and Food.

B. In addition:

1. "Declaratory ruling" means an administrative interpretation or explanation of rights, status, and other legal relations under a statute, rule, or order; and

2. "Applicability" means a determination if a statute, rule, or order should be applied, and if so, how the law stated should be applied to the facts.

**R51-1-3. Petition Procedure.**

A. Any person or agency may petition for a declaratory ruling.

B. The petition shall be addressed and delivered to the Commissioner of Agriculture and Food.

C. The Department of Agriculture and Food shall stamp the petition with the date of receipt.

**R51-1-4. Petition Form.**

The petition shall:

1. be clearly designated as a request for an agency declaratory ruling;

2. identify the statute, rule, or order to be reviewed;

3. describe the situation or circumstances in which applicability is to be reviewed;

4. describe the reason or need for the applicability review;

5. include an address and telephone where the petitioner can be reached during regular working hours; and

6. be signed by the petitioner.

**R51-1-5. Petition Review and Disposition.**

A. The Commissioner or designee shall:

1. review and consider the petition;

2. prepare a declaratory ruling stating:

a. the applicability or non-applicability of the statute, rule, or order at issue;

b. the reason for the applicability or non-applicability of the statute, rule, or order; and

c. any requirements imposed on the agency, the petitioner, or any person as a result of the ruling.

B. The Department may:

1. interview the petitioner;

2. hold a public hearing on the petition;

3. consult with counsel or the Attorney General; or

4. take any action the agency, in its judgment, deems necessary to provide the petition adequate review and due consideration.

C. The Department of Agriculture and Food shall prepare the declaratory ruling without unnecessary delay and shall send the petitioner a copy of the ruling by certified mail, or shall send the petitioner notice of progress in preparing the ruling, within 30 days of receipt of the petition.

D. The Department of Agriculture and Food shall retain the petition and a copy of the declaratory ruling in its records.

**KEY: administrative procedures**

**Date of Enactment or Last Substantive Amendment: September 2, 2015**

**Authorizing, and Implemented or Interpreted Law: 63G-4-503; 63G-3-201**

Human Services, Administration,  
Administrative Services, Licensing

**R501-12**

Foster Care Services

**NOTICE OF 120-DAY (EMERGENCY) RULE**

DAR FILE NO.: 39638

FILED: 09/03/2015

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This emergency rule is being requested to extend the earlier emergency rule enacted May 12, 2015. Due to some complicated stakeholder issues, the amendment was not ready in time for the expiration of the original emergency rule, but has been filed with DAR and will be published and be out for public comment 09/15/2015. This emergency rule is identical to the one currently in effect and is intended only to cover the gaps in dates. (DAR NOTE: The 120-day (emergency) rule currently in effect is under DAR No. 39358, published in the June 1, 2015, Bulletin, and was effective as of 05/12/2015.)

**SUMMARY OF THE RULE OR CHANGE:** None since the last emergency rule. Previous emergency rule addressed changes to foster care definition required by statute.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 62A-2-101(17)

**EMERGENCY RULE REASON AND JUSTIFICATION:**  
**REGULAR RULEMAKING PROCEDURES WOULD** place the agency in violation of federal or state law.  
**JUSTIFICATION:** The expiration of the emergency rule without a substitute would put the Office of Licensing in violation of statute from a rulemaking perspective.

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** This is a continuation of the emergency rule from 05/12/2015. No costs have been incurred during that time, and there are no anticipated future costs.
- ◆ **LOCAL GOVERNMENTS:** This is a continuation of the emergency rule from 05/12/2015. No costs have been incurred during that time, and there are no anticipated future costs.
- ◆ **SMALL BUSINESSES:** This is a continuation of the emergency rule from 05/12/2015. No costs have been incurred during that time, and there are no anticipated future costs.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This is a continuation of the emergency rule from 05/12/2015. No costs have been incurred during that time, and there are no anticipated future costs.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Compliance costs are not increased or decreased by this change. If a foster home does not want to increase their capacity to the maximum allowed in the new definition, they do not need to.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ◆ Diane Moore by phone at 801-538-4235, by FAX at 801-538-4553, or by Internet E-mail at dmoore@utah.gov  
 ◆ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonesrobbins@utah.gov

**EFFECTIVE:** 09/04/2015

**AUTHORIZED BY:** Diane Moore, Director

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

**R501-12. Foster Care Services.**

**R501-12-5. Foster Parent Requirements.**

- (1) Foster parents shall:
  - (a) be in good health and emotionally stable;
  - (b) be able to provide for the physical, social, mental health, and emotional needs of the foster child;
  - (c) be responsible persons who are 21 years of age or older;
  - (d) provide documentation of legal residential status;
  - (e) have the ability to help the foster child thrive;
  - (f) not be dependent on foster care reimbursement for their own expenses, outside of those expenses directly associated with providing foster care services; and
  - (g) provide updated medical, social, financial, or other family information when requested by the Office of Licensing or Agency.
- (2) DHS employees shall not be licensed or certified as foster parents for children in the custody of their respective Divisions, unless they qualify as kinship providers for the child in accordance with Utah Code Ann. Section 78A-6-307. An employee may provide foster services for children in the custody of a different Division only with the prior written approval of both Divisions' Directors in accordance with DHS conflict of interest policy.
- (3) Agency owners, directors, managers, and members of the governing body shall not be certified to provide foster care services for children placed with or by the Agency.
- (4) Foster parents shall cooperate with the Office of Licensing, Agency, courts, and law enforcement officials.
- (5) Each foster parent shall read, sign, and comply with the DHS Provider Code of Conduct.
  - (a) A foster parent shall not abuse, neglect, or maltreat a child through any act or omission.
  - (b) A foster parent shall not encourage or fail to deter the acts or omissions of another that abuse, neglect, or maltreat a child.

(6) No more than two children under the age of two, including children who are members of the household and foster children, shall reside in a foster home.

(7) No more than two non-ambulatory children, including children who are members of the household and foster children, shall reside in a foster home.

(8) Except as provided by Section 62A-2-101(14) and R501-12-5-9(b) and R501-12-5(10), no more than three foster children shall reside in a foster home, no more than four foster children shall reside in a licensed foster home and no more than three children shall reside in a certified foster home.

(9) Foster parents may provide respite care in their home as long as they remain in compliance with licensing rules in regards to each child placed for foster and respite care. Foster parents may provide respite care when the additional foster child(ren) exceed their licensed capacity only as follows:

(a) Respite care is limited to a maximum of 10 days within any 30 day period.

(i) For foster children who are not siblings, each day of respite for each individual child counts as one day of respite care.

(ii) For foster children who are siblings, each day of respite for a sibling group receiving respite in the same foster home at the same time counts as one day of respite care.

(b) The foster home must have no licensing sanctions currently imposed, including corrective action plans or conditional licenses.

(c) Total number of foster and respite children in a home at one time shall not exceed six unless all but one or two of the children are part of a single sibling group.

(10) A foster parent shall report all major changes or events to the Office of Licensing or Agency within 48 hours. The Office of Licensing or Agency shall evaluate major changes to determine whether the foster parent remains able to provide foster care services. A major change in the lives of foster parents includes, but is not limited to:

(a) the death or serious illness of a member of the foster parent's household;

(b) change in marital status;

(c) loss of employment;

(d) change in household composition, such as the birth or adoption of a child, addition of household members, or tenants; or

(e) allegations of abuse or neglect of any child or vulnerable adult against any member of the foster parent's household.

(11) A foster parent shall report any potential change in address in advance to their licensor or agency.

(a) Licenses and certifications are site specific.

(b) An adjoining dwelling with a separate address that is not accessible from the foster home is not considered part of the foster home site.

(c) A foster child shall not be moved into a home that is not licensed or certified to provide foster care.

#### **R501-12-16. Special Considerations for Siblings.**

(1) Except as described below, a sibling group may not be placed in a foster home that already has more than one foster child placed in the home when the addition of the sibling group would exceed four foster children in a licensed foster home or exceed three foster children in a certified foster home.

(2) The sibling(s) of a child already living in a foster home may be placed in the foster home for the purpose of reuniting the siblings, even if the addition of the sibling or sibling group would exceed four or more foster children in a licensed foster home or three or more foster children in a certified foster home.

(3) A foster home may provide for a sibling or a sibling group beyond the allowable four foster child limit for licensed foster care and three foster care limit for certified foster care only when they remain in compliance with licensing rules in regards to each child.

#### **R501-12-17. Compliance.**

Any active foster care license or certification on the effective date of this rule shall be given 30 days to achieve compliance with this rule.

**KEY: certified foster care, foster care, human services, licensing**

**Date of Enactment or Last Substantive Amendment: September 4, 2015**

**Authorizing, and Implemented or Interpreted Law: 62A-2-101 et seq.**

**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

---

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

---

## Administrative Services, Administrative Rules **R15-1** Administrative Rule Hearings

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39726  
FILED: 09/11/2015

### 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: Subsections 63G-3-402(1)(a) and 63G-3-402(1)(n) require the Division to establish all hearing procedures necessary to make rules under the Utah Administrative Rulemaking Act, to administer the Act, and to require agency compliance with hearing procedures.

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 since the rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 63G-3-302 establishes state policy governing rulemaking hearings. The provisions of Rule R15-1 are mandated by Subsections 63G-3-402(1)(a) and 63G-3-402(1)(n). Rule R15-1 provides procedures governing mandatory rulemaking hearings. Hearings are mandatory when a specific provision of law requires a hearing or when no fewer than ten persons or an organization with no fewer

than 10 members requests that the agency to hold a hearing within 15 days of the rules publication. A rulemaking hearing provides a meaningful opportunity for citizens to learn about, become involved with, and influence administrative policy making. Comments made by persons at rulemaking hearings become part of the administrative record in which an agency justifies its regulatory decisions. This rule is necessary and should be continued to provide consistent guidelines for mandatory rulemaking hearings.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ADMINISTRATIVE SERVICES  
ADMINISTRATIVE RULES  
ROOM 5110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Michael Broschinsky by phone at 801-538-3003, by FAX at 801-537-9240, or by Internet E-mail at [mbroschi@utah.gov](mailto:mbroschi@utah.gov)

AUTHORIZED BY: Patricia Smith-Mansfield, Director

EFFECTIVE: 09/11/2015

---

## Administrative Services, Administrative Rules **R15-2** Public Petitioning for Rulemaking

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39727  
FILED: 09/11/2015

**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 63G-3-601(2) requires the Division to promulgate administrative rules governing rulemaking petitions and to prescribe the form for petitions made under Section 63G-3-601.

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 since this rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 63G-3-601 permits interested persons to petition an agency to enact, amend, or repeal a rule. Subsection 63G-3-601(2) mandates that the Division "prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition." Rule R15-2 establishes petitioning procedures and requires petitioners to provide specific information. Rule R15-2 also establishes procedures governing agency consideration and disposition of rulemaking petitions. Therefore, this rule should be continued. Rulemaking petitions provide citizens an important opportunity to directly influence the content of agency rules. Subsections 63G-3-601(5) and (6) requires an agency or board to respond to a rulemaking petition within 60 or 80 days respectively from receipt of the petition. A rulemaking petition also constitutes the administrative remedy which, with few exceptions, must be exhausted before a person may ask the court for relief as provided in Section 63G-3-602.

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

ADMINISTRATIVE SERVICES  
ADMINISTRATIVE RULES  
ROOM 5110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Michael Broschinsky by phone at 801-538-3003, by FAX at 801-537-9240, or by Internet E-mail at mbroschi@utah.gov

AUTHORIZED BY: Patricia Smith-Mansfield, Director

EFFECTIVE: 09/11/2015

Administrative Services, Administrative  
Rules  
**R15-3**  
Definitional Clarification of  
Administrative Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39728  
FILED: 09/11/2015

**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 63G-3-402(1) requires the Division to administer the Utah Administrative Rulemaking Act, Title 63G, Chapter 3, and to require state agencies to comply with filing, publication, and hearing procedures. Subsection 63G-3-301(2) requires agencies to comply with rules made by the division to implement the 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 written comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R15-3 clarifies the role of rules in limiting agency discretion pursuant to Subsection 63G-3-201(8); provides standards for an agency to follow when making amendments to materials it incorporates by reference into its rules pursuant to Subsection 63G-3-201(7); requires an agency to provide a summary of materials incorporated by reference as part of the rule analysis summary; requires an agency to comply with copyright laws when providing the Division a copy of materials incorporated by reference pursuant to Subsection 63G-3-201(7)(d); and limits the type of material that may be included in rule, consistent with Subsection 63G-3-201(7)(a)(iv). This rule provides necessary clarification to the statute. It ensures that materials incorporated by reference are available. It helps facilitate the broad distribution of rule text. Therefore, this rule should be continued. Clear, consistent administrative rules increase the likelihood of compliance by both members of the public and the agency.

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

ADMINISTRATIVE SERVICES  
ADMINISTRATIVE RULES



ROOM 5110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Michael Broschinsky by phone at 801-538-3003, by FAX at 801-537-9240, or by Internet E-mail at mbroschi@utah.gov

AUTHORIZED BY: Patricia Smith-Mansfield, Director

EFFECTIVE: 09/11/2015

---

**Administrative Services, Administrative  
Rules  
R15-4  
Administrative Rulemaking Procedures**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39729  
FILED: 09/11/2015

**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 63G-3-402(1) requires the Division to administer the Utah Administrative Rulemaking Act, Title 63G, Chapter 3; to establish all filing, publication, and hearing procedures necessary to make rules; and to require state agencies to comply with filing, publication, and hearing procedures. Subsection 63G-3-301(2) requires agencies to comply with rules made by the Division to implement the 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 written comments have been received since this rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R15-4 establishes publication dates for the Utah State Bulletin and Utah State Digest pursuant to Subsections 63G-3-402(1)(d) and 63G-3-402(1)(f); establishes filing and publication deadlines; clarifies how the 30-day comment period is calculated; clarifies filing requirements for notices of effective date, nonsubstantive changes, changes in proposed rules, and 120-day (emergency) rules; clarifies how rule text is to be marked to show changes; and provides that changes not correctly

marked may or may not, at the discretion of the director or his designee, be codified. This rule is necessary and should be continued because it ensures the statutory minimum level of public access to agency administrative rules; it helps ensure consistent application of rulemaking procedures across state agencies; and it establishes the Division's rule filing standards so that a state agency can know what to expect when it engages in rulemaking.

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

ADMINISTRATIVE SERVICES  
ADMINISTRATIVE RULES  
ROOM 5110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Michael Broschinsky by phone at 801-538-3003, by FAX at 801-537-9240, or by Internet E-mail at mbroschi@utah.gov

AUTHORIZED BY: Patricia Smith-Mansfield, Director

EFFECTIVE: 09/11/2015

---

**Administrative Services, Administrative  
Rules  
R15-5  
Administrative Rules Adjudicative  
Proceedings**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39730  
FILED: 09/11/2015

**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: Sections 63G-3-301 and 63G-4-202 permit an agency to designate adjudicative proceedings as informal. If the agency chooses to do so, it must do so by rule. Section 63G-4-503 requires each agency to issue rules that govern procedures for declaratory orders. Subsection 63G-3-402(1)(n) requires the division to administer the Utah Administrative Rulemaking Act, Title 63G, Chapter 3.

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 since this rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Upon review of this rule, the Division has determined that it is no longer necessary because statute provides: 1) that the division has authority to make nonsubstantive changes; and 2) a process for a person to challenge an administrative rule. The Division has provided this review to comply with the procedures of Section 63G-3-305 and intends to file a notice of proposed rule to repeal this rule in the near future.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 ADMINISTRATIVE SERVICES  
 ADMINISTRATIVE RULES  
 ROOM 5110 STATE OFFICE BLDG  
 450 N STATE ST  
 SALT LAKE CITY, UT 84114-1201  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Michael Broschinsky by phone at 801-538-3003, by FAX at 801-537-9240, or by Internet E-mail at mbroschi@utah.gov

AUTHORIZED BY: Patricia Smith-Mansfield, Director

EFFECTIVE: 09/11/2015

**Commerce, Occupational and  
 Professional Licensing  
 R156-50**

**Private Probation Provider Licensing  
 Act Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39737  
 FILED: 09/14/2015

**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 58, Chapter 50, provides for the licensure of private probation providers. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-50-3(3) provides that the Private Probation Provider Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the

duties of each board is to recommend appropriate rules to the Division director. This rule was enacted to clarify the provisions of Title 58, Chapter 50, with respect to private probation providers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in January 2005, the Division has received no written comments with respect 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: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 50, with respect to private probation providers. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

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:  
 ♦ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/14/2015

**Commerce, Occupational and  
 Professional Licensing  
 R156-55e**

**Elevator Mechanics Licensing Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39736  
 FILED: 09/14/2015

**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 58, Chapter 55, provides for the licensure of elevator mechanics. Subsection 58-1-106(1) (a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-558-103(1)(b)(i) provides that the Construction Services Commission's duties and responsibilities shall make reasonable rules to administer and enforce Chapter 55. This rule was enacted to clarify the provisions of Title 58, Chapter 55, with respect to elevator mechanics.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted on 11/08/2010, the Division has received no written comments.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 55, with respect to elevator mechanics. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Dan Jones by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/14/2015

Insurance, Administration

**R590-130**

**Rules Governing Advertisements of  
Insurance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39651

FILED: 09/04/2015

**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(3) allows the commissioner to make rules to implement the provisions of the insurance code. Section 31A-23a-402 authorizes the commissioner to define unfair or deceptive acts or practices in the business of insurance. The rule sets advertising guidelines to assure clear and truthful disclosure of the benefits, limitations, and exclusions of policies sold as insurance, and sets procedures for enforcement of this rule by the Department.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has received no written comment 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 is necessary because licensees are still using misleading and deceptive information and advertising in the sale of insurance. 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

AUTHORIZED BY: Todd Kiser, Commissioner

AUTHORIZED BY: Todd Kiser, Commissioner

EFFECTIVE: 09/04/2015

EFFECTIVE: 09/04/2015

**Insurance, Administration  
R590-258  
Email Address Requirement**

**Insurance, Title and Escrow  
Commission  
R592-1**

**Title Insurance Licensing**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39650  
FILED: 09/04/2015

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39652  
FILED: 09/04/2015

**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 31A-2-201(3) authorizes the commissioner to adopt rules to implement the provisions of Title 31A. Section 31A-23a-412 requires licensees to provide current contact information to the Department. Subsection 46-4-501(1) authorizes state governmental agencies to make rules relating to electronic transactions and records.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 31A-2-404(2)(a)(ii) and (b) direct the Title and Escrow Commission to make rules pertaining to the licensing of a title licensee and require the concurrence of the Commission in the issuance and renewal of title licensee licenses.

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 during the past five years.

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 during 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: Email communication with licensees remains the most effective and efficient means of communicating rule updates, alerts, and notifications. The Department requires current contact information to notify licensees of upcoming renewal deadlines and alert them of changes to state statute or Department rule. Continuation of the rule is critical to maintaining open, efficient, and effective governance. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law requires that the Title and Escrow Commission concur with the Insurance Commissioner in the issuance and renewal of title licenses. The rule sets the procedure to do this. This has been a useful process because it has opened a dialogue between the department and members of the title industry who know the players, and whether there are issues and concerns that should be addressed regarding licensure. 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.

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

INSURANCE  
TITLE AND ESCROW COMMISSION  
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)

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

AUTHORIZED BY: Todd Kiser, Commissioner

EFFECTIVE: 09/04/2015

## Insurance, Title and Escrow Commission

### **R592-2**

## Title Insurance Administrative Hearings and Penalty Imposition

### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39653

FILED: 09/04/2015

### **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: Subsections 31A-2-404(2)(e) and (h) provide the process for conducting or delegating a title administrative hearing and imposing a penalty for a violation of statute or rule. The rule establishes procedures for the Title and Escrow Commission to delegate authority to the department's administrative law judge (ALJ) to conduct administrative hearings for title license applicants, licensees, or a title continuing education program, or to administer the hearings themselves. The rule also establishes procedures for the Commission and the department to concur with penalties imposed on a title licensee.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments during 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 clarifies the relationship between the Commission and the department's ALJ. It sets forth the procedure for conducting a formal or informal hearing and imposing penalties, as well as how these matters are delegated by the Commission to the ALJ. The rule notes that the party not actually hearing the case has concurrence authority to accept or reject the recommended penalty

imposed by the other party. Therefore, this rule should be continued.

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

INSURANCE  
TITLE AND ESCROW COMMISSION  
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

AUTHORIZED BY: Todd Kiser, Commissioner

EFFECTIVE: 09/04/2015

## Technology Services, Administration

### **R895-1**

## Access to Records

### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39724

FILED: 09/11/2015

### **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 authority of Sections 63G-2-204 and 63A-12-104, and Title 63G, Chapter 3, this rule provides procedures for access and denial of access to government records.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department of Technology Services manages data, but does not own data for state agencies. It is imperative to have the rule to define procedures for access and denial of access to government records. Therefore, this rule should be continued.

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

TECHNOLOGY SERVICES  
ADMINISTRATION  
ROOM 6000 STATE OFFICE BUILDING  
450 N STATE ST  
SALT LAKE CITY, UT 84114  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stweiss@utah.gov

AUTHORIZED BY: Mark VanOrden, Executive Director and CIO

EFFECTIVE: 09/11/2015

activities of this department, or be subjected to discrimination by this department. Therefore, this rule should be continued.

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

TECHNOLOGY SERVICES  
ADMINISTRATION  
ROOM 6000 STATE OFFICE BUILDING  
450 N STATE ST  
SALT LAKE CITY, UT 84114  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stweiss@utah.gov

AUTHORIZED BY: Mark VanOrden, Executive Director and CIO

EFFECTIVE: 09/15/2015

**Technology Services, Administration**

**R895-2**

**Americans With Disabilities Act (ADA)  
Complaint Procedure**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39753  
FILED: 09/15/2015

**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 pursuant to Section 63G-3-201 of the State Administrative Rulemaking Act. The Department of Technology Services hereby adopts and defines a complaint procedure to provide for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans With Disabilities Act, pursuant to 28 CFR 35.107, 1992 edition.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No qualified individual with a disability, by reason of such disability, shall be excluded from participation in or be denied the benefits of the services, programs, or

**Workforce Services, Employment  
Development**

**R986-100**

**Employment Support Programs**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**

DAR FILE NO.: 39634  
FILED: 09/02/2015

**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 35A-1-303 is the authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-301 authorizes the Department to pay financial assistance to those participating in the family employment program. Section 35A-3-401 et seq. authorizes the Department to pay general assistance. Section 35A-1-303 authority to adopt rules governing adjudicative procedures. The Utah Administrative Procedures Act, Title 63G, Chapter 4, defines the procedures the Department must follow in administrative hearings.

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 comments in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to provide a framework under both state and federal law for the release of information, what programs are assigned to the Department and covered by these rules, residency requirements, how to apply for assistance, the requirement to provide and verify information provided to the Department, overpayments, due process rights including the right to appeal, and how to appeal an unfavorable Department decision. Without this rule the Department would be unable to administer its programs. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 EMPLOYMENT DEVELOPMENT  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/02/2015

**Workforce Services, Employment  
 Development  
 R986-200**

**Family Employment Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39635  
 FILED: 09/02/2015

**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 35A-3-302(5)(b) gives the Department the authority to make rules to establish eligibility for the Family Employment Program. Subsection 35A-3-304(4) gives us the authority to define full-time work. Section 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish eligibility standards for the Family Employment Program including income limits, how to count household size, citizenship requirements, participation requirements, specified relative assistance requirements, time limits, drug testing, and other program eligibility standards. Without this rule, the Department could not administer the program or determine eligibility or pay level. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 EMPLOYMENT DEVELOPMENT  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/02/2015

**Workforce Services, Employment  
 Development  
 R986-300  
 Refugee Resettlement Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**  
 DAR FILE NO.: 39643  
 FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department to

adopt rules. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. The Department has been assigned to administer the Refugee Resettlement Program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to establish eligibility and income standards and to set the amount of assistance available. It is also necessary to explain the requirement for an employment plan and the penalty for failure to follow the plan. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
WORKFORCE SERVICES  
EMPLOYMENT DEVELOPMENT  
140 E 300 S  
SALT LAKE CITY, UT 84111-2333  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

administer public assistance programs assigned to the Department. Section 35A-3-401 et seq. authorizes the Department to pay general assistance.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to set eligibility standards for individuals applying for assistance including the need to participate in an employment plan, the penalty for failure to participate and time limits. Without this rule, there would be no standards for administering this program. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
WORKFORCE SERVICES  
EMPLOYMENT DEVELOPMENT  
140 E 300 S  
SALT LAKE CITY, UT 84111-2333  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

**Workforce Services, Employment  
Development  
R986-400  
General Assistance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39644  
FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department to adopt rules. Section 35A-3-103 directs the Department to

**Workforce Services, Employment  
Development  
R986-500  
Adoption Assistance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 39645  
FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department to adopt rules. Section 35A-3-103 directs the Department to



administer public assistance programs assigned to the Department. Section 35A-3-308 directs the Department to provide assistance to certain pregnant individuals.

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** No comments have been received in the last five years.

**REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** The rule is necessary to determine eligibility for adoption assistance, services available to clients, time limits for receipt of benefits and safekeeping on these sensitive records. Without this rule, there would be no standards for administration of the program. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 EMPLOYMENT DEVELOPMENT  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

---

**Workforce Services, Employment  
 Development  
 R986-600  
 Workforce Investment Act**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39646  
 FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative

procedures. Section 35A-1-104 authorizes the Department to adopt rules. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-5 et seq. directs the Department to administer the Workforce Investment Act (WIA). This rule will be amended when the Department of Labor issues its regulations for the new Workforce Innovation and Opportunity Act (WIOA).

**SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE:** No comments have been received in the last five years.

**REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY:** This rule is necessary to set eligibility standards for all WIA programs and establishing factors used in determining priority for services. The rule is also necessary to establish the requirement for an employment plan. The rule also sets the standards for providers seeking approval for funding for students. Without this rule and standards, training providers and clients would not know the requirements for these programs or that the training providers are meeting those standards. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 EMPLOYMENT DEVELOPMENT  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

---

**Workforce Services, Employment  
 Development  
 R986-700  
 Child Care Assistance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION**

DAR FILE NO.: 39647  
 FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department to adopt rules. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-310 direct the Department to administer the child care program. Section 35A-3-310.5 directs the Department to perform criminal background checks on providers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rules is necessary to establish eligibility standards for both parents and providers. It is also necessary to explain the payment methods and the consequences for failure to follow program standards. The rule also explains how to obtain a criminal background check and which offenses will be disqualifying. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 EMPLOYMENT DEVELOPMENT  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

---

Workforce Services, Employment  
 Development  
**R986-800**  
 Displaced Homemaker Program

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39648  
 FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department to adopt rules. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Section 35A-3-114 directs the Department to establish this program and provide services as funding permits.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to establish eligibility standards for the program and explain what services are available. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 EMPLOYMENT DEVELOPMENT  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

---

Workforce Services, Employment  
 Development  
**R986-900**  
 Food Stamps

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 39649  
FILED: 09/03/2015

**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: Section 35A-1-303 gives the Department authority to adopt rules governing adjudicative procedures. Section 35A-1-104 authorizes the Department to adopt rules. Section 35A-3-103 directs the Department to administer public assistance programs assigned to the Department. Food stamps has been assigned to the Department.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to show which options the Department has taken when the federal regulations offers an option. The rule also lists all of the current waivers the Department has received from the federal government. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
WORKFORCE SERVICES  
EMPLOYMENT DEVELOPMENT  
140 E 300 S  
SALT LAKE CITY, UT 84111-2333  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Jon Pierpont, Executive Director

EFFECTIVE: 09/03/2015

---

**End of the Five-Year Notices of Review and Statements of Continuation Section**



**NOTICES OF  
FIVE-YEAR REVIEW EXTENSIONS**

---

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).

---

Heritage and Arts, Indian Affairs  
**R456-1**  
Native American Grave Protection and  
Repatriation

**FIVE-YEAR REVIEW EXTENSION**

DAR FILE NO.: 39721

FILED: 09/09/2015

**EXTENSION REASON AND NEW DEADLINE:** On behalf of the Division of Indian Affairs and the Department of Heritage and Arts, the Division would like to file a 120-day extension for the five-year review of Rule R456-1. The director of the Division of Indian Affairs, Shirlee Silversmith, will be on FMLA leave for awhile. The Native American Remains Review Committee will not be meeting during Shirlee's absence and will not have the opportunity to review this rule until she returns. New deadline is 01/14/2016.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
♦ Brian Somers by phone at 801-245-7204, or by Internet E-mail at [bsomers@utah.gov](mailto:bsomers@utah.gov)

**AUTHORIZED BY:** Julie Fisher, Executive Director

**EFFECTIVE:** 09/09/2015

---

**End of the Notices of Five-Year Review Extensions Section**



## NOTICES OF RULE EFFECTIVE DATES

---

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

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

---

### Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

### Commerce

Real Estate

No. 39477 (AMD): R162-2c.Utah Residential Mortgage

Practices and Licensing Rules

Published: 07/15/2015

Effective: 09/04/2015

### Education

Administration

No. 39493 (AMD): R277-609.Standards for LEA Discipline

Plans

Published: 07/15/2015

Effective: 09/03/2015

### Environmental Quality

Air Quality

No. 39353 (AMD): R307-121.General Requirements: Clean

Air and Efficient Vehicle Tax Credit

Published: 06/01/2015

Effective: 09/03/2015

No. 39354 (NEW): R307-122.General Requirements: Heavy

Duty Vehicle Tax Credit

Published: 06/01/2015

Effective: 09/03/2015

### Drinking Water

No. 39508 (AMD): R309-550-10.Facility Design and

Operation: Transmission and Distribution Pipelines

Published: 08/01/2015

Effective: 09/10/2015

### Governor

Economic Development

No. 39510 (NEW): R357-14.Electronic Meetings

Published: 08/01/2015

Effective: 09/10/2015

### Human Services

Child and Family Services

No. 39499 (AMD): R512-500.Kinship Services, Placement

and Background Screening

Published: 08/01/2015

Effective: 09/08/2015

**End of the Notices of Rule Effective Dates Section**





**RULES INDEX  
BY AGENCY (CODE NUMBER)  
AND  
BY KEYWORD (SUBJECT)**

---

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2015 through September 15, 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/>).

---

## RULES INDEX - BY AGENCY (CODE NUMBER)

### ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	39726	5YR	09/11/2015	Not Printed
R15-2	Public Petitioning for Rulemaking	39727	5YR	09/11/2015	Not Printed
R15-3	Definitional Clarification of Administrative Rule	39728	5YR	09/11/2015	Not Printed
R15-4	Administrative Rulemaking Procedures	39729	5YR	09/11/2015	Not Printed
R15-5	Administrative Rules Adjudicative Proceedings	39730	5YR	09/11/2015	Not Printed
<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
R23-7	State Construction Contracts and Drug and Alcohol Testing	39482	5YR	06/30/2015	2015-14/139
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	39301	AMD	06/22/2015	2015-10/6
R25-10	State Entities Posting of Financial Information to the Utah Public Finance Website	39360	AMD	07/08/2015	2015-11/4
R25-25-7	Travel-Related Reimbursements for State Employees	39160	AMD	04/21/2015	2015-6/10
<u>Purchasing and General Services</u>					
R33-1-1	Definitions	38974	AMD	01/28/2015	2014-24/4
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39327	AMD	06/23/2015	2015-10/11
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39472	AMD	08/21/2015	2015-14/6
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	39523	NSC	08/24/2015	Not Printed
R33-6-101	Competitive Sealed Bidding; Multiple Stage Bidding; Reverse Auction	38975	AMD	01/28/2015	2014-24/5
R33-6-109	Only One Bid Received	39366	AMD	07/09/2015	2015-11/5
R33-7	Request for Proposals	38976	AMD	01/28/2015	2014-24/6
R33-7	Request for Proposals	39513	NSC	07/30/2015	Not Printed
R33-7-702	Only One Proposal Received	39365	AMD	07/09/2015	2015-11/6
R33-7-702	Only One Proposal Received	39432	AMD	08/07/2015	2015-13/6
R33-8	Exceptions to Procurement Requirements	39328	AMD	06/23/2015	2015-10/15
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38977	AMD	01/28/2015	2014-24/9
R33-16	Controversies and Protests	39470	AMD	08/21/2015	2015-14/9

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
R33-26	State Surplus Property	39271	AMD	06/10/2015	2015-9/4
R33-26-202	Information Technology Equipment	39042	AMD	03/31/2015	2015-2/33
R33-26-202	Disposal of State-Owned Surplus Electronic Data Devices	39454	AMD	08/21/2015	2015-14/11

Records Committee

R35-1	State Records Committee Appeal Hearing Procedures	39400	AMD	07/31/2015	2015-11/7
R35-2	Declining Appeal Hearings	39401	AMD	07/31/2015	2015-11/9
R35-4	Compliance with State Records Committee Decisions and Orders	39402	AMD	07/31/2015	2015-11/10
R35-5	Subpoenas Issued by the Records Committee	39403	AMD	07/31/2015	2015-11/11
R35-6	Expedited Hearing	39404	AMD	07/31/2015	2015-11/12

AGRICULTURE AND FOOD

Administration

R51-1	Public Petitions for Declaratory Rulings	39633	EXD	09/01/2015	2015-18/137
R51-1	Public Petitions for Declaratory Rulings	39636	EMR	09/02/2015	Not Printed

Animal Industry

R58-1	Admission, Identification, and Inspection of Livestock, Poultry and other Animals	39423	AMD	08/12/2015	2015-13/7
R58-2	Disease, Inspections, and Quarantines	39422	AMD	08/12/2015	2015-13/14
R58-7	Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons	39075	5YR	01/13/2015	2015-3/67
R58-11	Slaughter of Livestock and Poultry	39073	5YR	01/13/2015	2015-3/67
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	39573	5YR	08/12/2015	2015-17/97
R58-13	Custom Exempt Slaughter	39614	EXD	08/25/2015	2015-18/137
R58-13	Custom Exempt Slaughter	39616	EMR	08/25/2015	2015-18/131
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	39602	5YR	08/13/2015	2015-17/97
R58-17	Aquaculture and Aquatic Animal Health	39074	5YR	01/13/2015	2015-3/68
R58-21	Trichomoniasis	39086	5YR	01/21/2015	2015-4/37
R58-22	Equine Infectious Anemia (EIA)	39424	AMD	08/12/2015	2015-13/15

Chemistry Laboratory

R63-1	Fee Schedule	39611	5YR	08/24/2015	2015-18/133
-------	--------------	-------	-----	------------	-------------

Plant Industry

R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39237	5YR	03/24/2015	2015-8/33
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	39612	5YR	08/24/2015	2015-18/133
R68-2	Utah Commercial Feed Act Governing Feed	39471	5YR	06/29/2015	2015-14/139
R68-6	Utah Nursery Act	39548	5YR	07/29/2015	2015-16/79
R68-10	Quarantine Pertaining to the European Corn Borer	39507	5YR	07/10/2015	2015-15/31
R68-12	Quarantine Pertaining to Mint Wilt	39408	5YR	05/21/2015	2015-12/33
R68-22	Industrial Hemp Research	39148	NEW	04/22/2015	2015-6/14

Regulatory Services

R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39223	5YR	03/16/2015	2015-7/57
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	39407	R&R	07/22/2015	2015-12/6
R70-610	Uniform Retail Wheat Standards of Identify	39561	5YR	08/05/2015	2015-17/98
R70-620	Enrichment of Flour and Cereal Products	39560	5YR	08/05/2015	2015-17/98
R70-910	Registration of Servicepersons for Commercial Weighing and Measuring Devices	39562	5YR	08/05/2015	2015-17/99
R70-950	Uniform National Type Evaluation	39563	5YR	08/05/2015	2015-17/99

RULES INDEX

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1-3	General Policies	39156	AMD	04/28/2015	2015-6/16
R81-1-6	Violation Schedule	39158	AMD	04/28/2015	2015-6/18
R81-1-26	Criminal History Background Checks	39329	AMD	06/24/2015	2015-10/17
R81-2-1	Special Orders of Liquor by Public	39154	AMD	04/28/2015	2015-6/22
R81-2-8	Accepting Checks as Payment for Liquor	39476	AMD	08/25/2015	2015-14/13
R81-2-9	Accepting Credit Cards as Payment for Liquor	39330	AMD	06/24/2015	2015-10/20
R81-3-1	Definition	39417	AMD	07/28/2015	2015-12/12
R81-3-5	Special Orders of Liquor by Public	39155	AMD	04/28/2015	2015-6/23
R81-3-14	Type 5 Package Agencies	39418	AMD	07/28/2015	2015-12/14
R81-3-19	Credit Cards	39331	AMD	06/24/2015	2015-10/21
R81-4E	Resort Licenses	39059	5YR	01/08/2015	2015-3/69

ATTORNEY GENERAL

Administration

R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39032	AMD	03/26/2015	2015-2/34
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39099	AMD	03/26/2015	2015-4/4
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39363	EMR	05/12/2015	2015-11/171
R105-1	Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation Support Services	39364	AMD	07/13/2015	2015-11/13
R105-3	White Collar Crime Registry	39445	NEW	08/10/2015	2015-13/17

AUDITOR

Administration

R123-6	Allocation of Money in the Property Tax Valuation Agency Fund	39136	AMD	04/08/2015	2015-5/8
--------	---	-------	-----	------------	----------

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-2	Capitol Hill Complex Facility Use	39025	AMD	02/24/2015	2015-2/41
R131-6	Board Designation of Space	39501	5YR	07/06/2015	2015-15/31
R131-9	Art and Exhibits	39266	EXD	04/08/2015	2015-9/87
R131-15	State Construction Contracts and Drug and Alcohol Testing	39502	5YR	07/06/2015	2015-15/32

COMMERCE

Administration

R151-4-109	Extension of Time and Continuance of Hearing	39144	AMD	04/10/2015	2015-5/9
R151-14-3	Adjudicative Proceedings	39034	AMD	02/24/2015	2015-2/49

Consumer Protection

R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	39281	5YR	04/15/2015	2015-9/83
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	39273	AMD	06/08/2015	2015-9/5
R152-39	Child Protection Registry Rules	39282	5YR	04/15/2015	2015-9/83

Occupational and Professional Licensing

R156-17b	Pharmacy Practice Act Rule	39056	5YR	01/05/2015	2015-3/69
R156-17b	Pharmacy Practice Act Rule	39018	AMD	02/24/2015	2015-2/51
R156-20a	Environmental Health Scientist Act Rule	39306	5YR	04/27/2015	2015-10/101
R156-20a	Environmental Health Scientist Act Rule	39351	AMD	07/09/2015	2015-11/20
R156-24b-302b	Qualifications for Licensure - Examination Requirements	39092	AMD	03/24/2015	2015-4/9

R156-26a-501	Unprofessional Conduct	39055	AMD	04/02/2015	2015-3/7
R156-28-304	Continuing Professional Education	39233	AMD	05/27/2015	2015-8/6
R156-31b	Nurse Practice Act Rule	39132	AMD	04/07/2015	2015-5/10
R156-31b-103	Authority - Purpose	39615	NSC	09/11/2015	Not Printed
R156-31b-202	Advisory Peer Education Committee Created -- Membership - Duties	38981	AMD	01/22/2015	2014-24/13
R156-31b-609	Standards for Out-of-State Programs Providing Clinical Experiences in Utah	38980	AMD	01/22/2015	2014-24/14
R156-37	Utah Controlled Substances Act Rule	39015	AMD	02/24/2015	2015-2/80
R156-37f-102	Definitions	39020	AMD	02/24/2015	2015-2/84
R156-44a-609	Standards for Out-of-State Programs Providing Certified Nurse Midwife Clinical Experiences in Utah	39176	AMD	05/11/2015	2015-7/2
R156-46a-502d	Form of Written Informed Consent	39428	AMD	08/17/2015	2015-13/21
R156-46a-502d	Form of Written Informed Consent	39604	NSC	09/11/2015	Not Printed
R156-47b	Massage Therapy Practice Act Rule	38915	AMD	04/21/2015	2014-22/16
R156-47b	Massage Therapy Practice Act Rule	38915	CPR	04/21/2015	2015-6/42
R156-47b-302a	Qualifications for Licensure - Equivalent Education and Training	39238	AMD	05/28/2015	2015-8/7
R156-50	Private Probation Provider Licensing Act Rule	39737	5YR	09/14/2015	Not Printed
R156-55e	Elevator Mechanics Licensing Rule	39736	5YR	09/14/2015	Not Printed
R156-60a	Social Worker Licensing Act Rule	38979	AMD	01/22/2015	2014-24/15
R156-60d	Substance Use Disorder Counselor Act Rule	38964	AMD	01/22/2015	2014-24/17
R156-61	Psychologist Licensing Act Rule	38957	AMD	06/15/2015	2014-24/19
R156-61	Psychologist Licensing Act Rule	38957	CPR	06/15/2015	2015-9/80
R156-63a	Security Personnel Licensing Act Contract Security Rule	39293	AMD	06/22/2015	2015-10/22
R156-63a	Security Personnel Licensing Act Contract Security Rule	39368	AMD	07/23/2015	2015-11/22
R156-63b	Security Personnel Licensing Act Armored Car Rule	39294	AMD	06/22/2015	2015-10/24
R156-63b	Security Personnel Licensing Act Armored Car Rule	39369	AMD	07/23/2015	2015-11/25
R156-70a-302	Qualification for Licensure - Examination Requirements	39177	AMD	05/27/2015	2015-7/3
R156-71-202	Naturopathic Physician Formulary	39151	AMD	04/21/2015	2015-6/25
R156-72-102	Definitions	39343	AMD	07/09/2015	2015-11/28
R156-79	Hunting Guides and Outfitters Licensing Act Rule	39350	AMD	07/09/2015	2015-11/29
R156-83	Online Prescribing, Dispensing, and Facilitation Licensing Act Rule	39298	5YR	04/23/2015	2015-10/102
<u>Real Estate</u>					
R162-2a	Utah Housing Opportunity Restricted Account	39575	5YR	08/13/2015	2015-17/100
R162-2a	Utah Housing Opportunity Restricted Account	39576	NSC	08/28/2015	Not Printed
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	39249	5YR	03/31/2015	2015-8/33
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	39477	AMD	09/04/2015	2015-14/26
R162-2c-201	Licensing and Registration Procedures	38999	AMD	02/10/2015	2015-1/8
R162-2e	Appraisal Management Company Administrative Rules	39291	5YR	04/17/2015	2015-10/102
R162-2e-401	Unprofessional Conduct	38971	AMD	01/28/2015	2014-24/26
R162-2f	Real Estate Licensing and Practices Rules	39572	5YR	08/12/2015	2015-17/101
R162-2f-206	Certification of Continuing Education Course	38972	AMD	01/21/2015	2014-24/28
R162-2f-401j	Standards for Property Management	39305	AMD	06/22/2015	2015-10/25
R162-57a	Timeshare and Camp Resort Rules	39292	5YR	04/21/2015	2015-10/103
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	39104	5YR	02/02/2015	2015-4/37
R164-15-2	Notice Filings for Rule 506 Offerings	38926	AMD	03/10/2015	2014-22/20
R164-32	Codification of Precedent	39300	NEW	06/22/2015	2015-10/26
CORRECTIONS					
<u>Administration</u>					
R251-102	Release of Communicable Disease Information	39541	5YR	07/23/2015	2015-16/79

RULES INDEX

R251-109	Sex Offender Treatment Providers	39539	5YR	07/23/2015	2015-16/80
R251-110	Sex and Kidnap Offender Registration Program	39608	5YR	08/21/2015	2015-18/134
R251-301	Employment, Educational or Vocational Training for Community Correctional Center Offenders	39540	5YR	07/23/2015	2015-16/80
R251-303	Offenders' Use of Telephones	39060	5YR	01/08/2015	2015-3/70
R251-303	Offenders' Use of Telephones	39610	5YR	08/24/2015	2015-18/134
R251-709	Transportation of Inmates	39498	5YR	07/02/2015	2015-15/32

CRIME VICTIM REPARATIONS

Administration

R270-1-22	Sexual Assault Forensic Examinations	39463	AMD	08/21/2015	2015-14/38
-----------	--------------------------------------	-------	-----	------------	------------

EDUCATION

Administration

R277-99	Definitions for Utah State Board of Education (Board) Rules	39488	NEW	08/26/2015	2015-14/40
R277-107	Educational Services Outside of Educator's Regular Employment	39462	5YR	06/25/2015	2015-14/140
R277-107	Educational Services Outside of Educator's Regular Employment	39489	AMD	08/26/2015	2015-14/41
R277-111	Sharing of Curriculum Materials by Public School Educators	39077	5YR	01/15/2015	2015-3/71
R277-111	Sharing of Curriculum Materials by Public School Educators	39078	AMD	03/10/2015	2015-3/13
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	39335	5YR	05/01/2015	2015-10/104
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	39285	R&R	06/08/2015	2015-9/10
R277-116-1	Definitions	39218	AMD	05/08/2015	2015-7/7
R277-200	Utah Professional Practices Advisory Commission (UPPAC), Definitions	39382	NEW	07/08/2015	2015-11/33
R277-201	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	39383	NEW	07/08/2015	2015-11/37
R277-202	UPPAC Hearing Procedures and Reports	39384	NEW	07/08/2015	2015-11/41
R277-203	Request for Licensure Reinstatement and Reinstatement Procedures	39385	NEW	07/08/2015	2015-11/47
R277-204	Utah Professional Practices Advisory Commission Criminal Background Review	39386	NEW	07/08/2015	2015-11/50
R277-205	Alcohol Related Offenses	39387	NEW	07/08/2015	2015-11/52
R277-206	Drug Related Offenses	39388	NEW	07/08/2015	2015-11/53
R277-404	Requirements for Assessments of Student Achievement	39340	AMD	06/23/2015	2015-10/28
R277-410	Accreditation of Schools	39485	5YR	07/01/2015	2015-14/140
R277-410	Accreditation of Schools	39490	AMD	08/26/2015	2015-14/43
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation	39372	NEW	07/08/2015	2015-11/55
R277-418	Distance, Blended, Online, or Competency Based Learning Program	39373	NEW	07/08/2015	2015-11/57
R277-419	Pupil Accounting	39374	AMD	07/08/2015	2015-11/58
R277-419-9	Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors	39080	EMR	01/15/2015	2015-3/63
R277-444	Distribution of Funds to Arts and Science Organizations	39578	5YR	08/13/2015	2015-17/101
R277-459	Classroom Supplies Appropriation	39336	5YR	05/01/2015	2015-10/104
R277-459	Classroom Supplies Appropriation	39286	AMD	06/08/2015	2015-9/12
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	39079	NEW	03/10/2015	2015-3/14
R277-474	School Instruction and Human Sexuality	39337	5YR	05/01/2015	2015-10/105
R277-474	School Instruction and Human Sexuality	39287	AMD	06/08/2015	2015-9/13

R277-475	Patriotic, Civic and Character Education	39338	5YR	05/01/2015	2015-10/105
R277-475	Patriotic, Civic and Character Education	39288	AMD	06/08/2015	2015-9/16
R277-477	Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program	39579	5YR	08/13/2015	2015-17/102
R277-487	Public School Data Confidentiality and Disclosure	38956	AMD	01/07/2015	2014-23/6
R277-487	Public School Data Confidentiality and Disclosure	39375	AMD	07/08/2015	2015-11/67
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program	39376	AMD	07/08/2015	2015-11/72
R277-491	School Community Councils	39580	5YR	08/13/2015	2015-17/102
R277-497	School Grading System	39007	AMD	02/09/2015	2015-1/11
R277-497	School Grading System	39581	5YR	08/13/2015	2015-17/103
R277-498	Grant for Math Teaching Training	39582	5YR	08/13/2015	2015-17/103
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	39486	5YR	07/01/2015	2015-14/141
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	39491	AMD	08/26/2015	2015-14/46
R277-502	Educator Licensing and Data Retention	39378	AMD	07/08/2015	2015-11/75
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39008	AMD	02/09/2015	2015-1/13
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	39219	AMD	05/08/2015	2015-7/8
R277-516	Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees	39492	AMD	08/26/2015	2015-14/51
R277-516-3	Licensed Public Education Employee Personal Reporting of Arrests	39289	AMD	06/08/2015	2015-9/18
R277-517-5	Board Disciplinary Actions	39290	AMD	06/08/2015	2015-9/19
R277-520	Appropriate Licensing and Assignment of Teachers	39371	5YR	05/15/2015	2015-11/185
R277-520	Appropriate Licensing and Assignment of Teachers	39379	AMD	07/08/2015	2015-11/80
R277-602	Special Needs Scholarships - Funding and Procedures	39583	5YR	08/13/2015	2015-17/104
R277-609	Standards for LEA Discipline Plans	39493	AMD	09/03/2015	2015-14/54
R277-700	The Elementary and Secondary School Core Curriculum	39487	5YR	07/01/2015	2015-14/141
R277-700	The Elementary and Secondary School Core Curriculum	39494	AMD	08/26/2015	2015-14/59
<u>Rehabilitation</u>					
R280-200	Rehabilitation	39220	AMD	05/08/2015	2015-7/13
R280-203	Certification Requirements for Interpreters for the Hearing Impaired	38930	AMD	01/02/2015	2014-22/22

ENVIRONMENTAL QUALITY

Administration

R305-5	Health Reform - Health Insurance Coverage in DEQ State Contracts - Implementation	39135	5YR	02/09/2015	2015-5/101
--------	---	-------	-----	------------	------------

Air Quality

R307-103	Administrative Procedures	39109	5YR	02/05/2015	2015-5/101
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits	39167	AMD	06/04/2015	2015-7/14
R307-110-28	Regional Haze	39166	AMD	06/04/2015	2015-7/15
R307-120	General Requirements: Tax Exemption for Air Pollution Control Equipment	38998	AMD	03/05/2015	2015-1/17
R307-121	General Requirements: Clean Air and Efficient Vehicle Tax Credit	39353	AMD	09/03/2015	2015-11/86
R307-122	General Requirements: Heavy Duty Vehicle Tax Credit	39354	NEW	09/03/2015	2015-11/89
R307-165	Emission Testing	39110	5YR	02/05/2015	2015-5/102

RULES INDEX

R307-201	Emission Standards: General Emission Standards	39111	5YR	02/05/2015	2015-5/103
R307-202	Emission Standards: General Burning	39113	5YR	02/05/2015	2015-5/103
R307-203	Emission Standards: Sulfur Content of Fuels	39112	5YR	02/05/2015	2015-5/104
R307-204	Emission Standards: Smoke Management	39114	5YR	02/05/2015	2015-5/104
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	39115	5YR	02/05/2015	2015-5/105
R307-206	Emission Standards: Abrasive Blasting	39116	5YR	02/05/2015	2015-5/105
R307-207	Residential Fireplaces and Solid Fuel Burning Devices	39117	5YR	02/05/2015	2015-5/106
R307-210	Stationary Sources	39168	AMD	06/04/2015	2015-7/17
R307-214	National Emission Standards for Hazardous Air Pollutants	39169	AMD	06/04/2015	2015-7/19
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	38842	AMD	02/04/2015	2014-19/44
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	38842	CPR	02/04/2015	2015-1/48
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties	39349	5YR	05/06/2015	2015-11/185
R307-305	Nonattainment and Maintenance areas for PM10: Emission Standards	39118	5YR	02/05/2015	2015-5/107
R307-306	PM10 Nonattainment and Maintenance Areas: Abrasive Blasting	39119	5YR	02/05/2015	2015-5/107
R307-307	Road Salting and Sanding	39120	5YR	02/05/2015	2015-5/108
R307-309	Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust	39121	5YR	02/05/2015	2015-5/108
R307-310	Salt Lake County: Trading of Emission Budgets for Transportation Conformity	39122	5YR	02/05/2015	2015-5/109
R307-311	Utah County: Trading of Emission Budgets for Transportation Conformity	38997	NEW	03/05/2015	2015-1/22
R307-401-19	General Approval Order	38901	AMD	02/05/2015	2014-21/16
R307-841	Residential Property and Child Occupied Facility Renovation	39123	5YR	02/05/2015	2015-5/109
R307-842	Lead-Based Paint Activities	39124	5YR	02/05/2015	2015-5/110
<u>Drinking Water</u>					
R309-100	Administration: Drinking Water Program	39196	5YR	03/13/2015	2015-7/57
R309-105	Administration: General Responsibilities of Public Water Systems	39197	5YR	03/13/2015	2015-7/58
R309-110	Administration: Definitions	39198	5YR	03/13/2015	2015-7/59
R309-115	Administrative Procedures	39199	5YR	03/13/2015	2015-7/59
R309-200	Monitoring and Water Quality: Drinking Water Standards	39200	5YR	03/13/2015	2015-7/60
R309-205	Monitoring and Water Quality: Source Monitoring Requirements	39201	5YR	03/13/2015	2015-7/60
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	39202	5YR	03/13/2015	2015-7/61
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	39203	5YR	03/13/2015	2015-7/61
R309-220	Monitoring and Water Quality: Public Notification Requirements	39204	5YR	03/13/2015	2015-7/62
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	39205	5YR	03/13/2015	2015-7/62
R309-300	Certification Rules for Water Supply Operators	39206	5YR	03/13/2015	2015-7/63
R309-305	Certification Rules for Backflow Technicians	39207	5YR	03/13/2015	2015-7/63
R309-400	Water System Rating Criteria	39208	5YR	03/13/2015	2015-7/64
R309-405	Compliance and Enforcement: Administrative Penalty	39209	5YR	03/13/2015	2015-7/64
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39184	5YR	03/13/2015	2015-7/65
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39076	AMD	07/15/2015	2015-3/16



R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	39076	CPR	07/15/2015	2015-11/166
R309-505	Facility Design and Operation: Minimum Treatment Requirements	39185	5YR	03/13/2015	2015-7/65
R309-510	Facility Design and Operation: Minimum Sizing Requirements	39186	5YR	03/13/2015	2015-7/66
R309-510	Facility Design and Operation: Minimum Sizing Requirements	39399	AMD	07/15/2015	2015-11/92
R309-511	Hydraulic Modeling Requirements	39187	5YR	03/13/2015	2015-7/66
R309-515	Facility Design and Operation: Source Development	39188	5YR	03/13/2015	2015-7/67
R309-520	Facility Design and Operation: Disinfection	39189	5YR	03/13/2015	2015-7/67
R309-525	Facility Design and Operation: Conventional Surface Water Treatment	39190	5YR	03/13/2015	2015-7/68
R309-530	Facility Design and Operation: Alternative Surface Water Treatment Methods	39191	5YR	03/13/2015	2015-7/68
R309-535	Facility Design and Operation: Miscellaneous Treatment Methods	39192	5YR	03/13/2015	2015-7/69
R309-540	Facility Design and Operation: Pump Stations	39193	5YR	03/13/2015	2015-7/69
R309-545	Facility Design and Operation: Drinking Water Storage Tanks	39194	5YR	03/13/2015	2015-7/70
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	39195	5YR	03/13/2015	2015-7/70
R309-550-10	Facility Design and Operation: Transmission and Distribution Pipelines	39508	AMD	09/10/2015	2015-15/4
R309-600	Source Protection: Drinking Water Source Protection for Ground Water Sources	39213	5YR	03/13/2015	2015-7/71
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	39214	5YR	03/13/2015	2015-7/71
R309-700	Financial Assistance: State Drinking Water State Revolving Fund (SRF) Loan Program	39210	5YR	03/13/2015	2015-7/72
R309-705	Financial Assistance: Federal Drinking Water State Revolving Fund (SRF) Loan Program	39211	5YR	03/13/2015	2015-7/72
R309-800	Capacity Development Program	39212	5YR	03/13/2015	2015-7/73
<u>Environmental Response and Remediation</u>					
R311-500	Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program	39146	5YR	02/18/2015	2015-6/45
<u>Radiation Control</u>					
R313-12-3	Definitions	39277	AMD	06/16/2015	2015-9/21
R313-15-1208	Reports of Leaking or Contaminated Sealed Sources	39082	AMD	03/17/2015	2015-3/21
R313-17-4	Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material	38770	AMD	02/17/2015	2014-17/95
R313-17-4	Special Procedures for Decisions Associated with Licenses for Uranium Mills and Disposal of Byproduct Material	38770	CPR	02/17/2015	2014-24/40
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	38907	AMD	02/17/2015	2014-21/18
R313-19-13	Exemptions	39280	AMD	08/26/2015	2015-9/27
R313-19-13	Exemptions	39280	CPR	08/26/2015	2015-14/114
R313-19-34	Terms and Conditions of Licenses	39274	AMD	06/16/2015	2015-9/32
R313-21-22	General Licenses*--Radioactive Material Other Than Source Material	39278	AMD	08/26/2015	2015-9/34
R313-21-22	General Licenses*--Radioactive Material Other Than Source Material	39278	CPR	08/26/2015	2015-14/118
R313-22	Specific Licenses	39279	AMD	08/26/2015	2015-9/40
R313-22	Specific Licenses	39279	CPR	08/26/2015	2015-14/124
R313-24-1	Purpose and Authority	39149	NSC	03/06/2015	Not Printed
R313-24-4	Clarifications or Exceptions	39275	AMD	06/16/2015	2015-9/49
R313-27	Medical Use Advisory Committee	39283	NEW	07/09/2015	2015-9/51
R313-28-31	General and Administrative Requirements	39016	AMD	03/24/2015	2015-2/85
R313-34	Requirements for Irradiators	39047	AMD	05/05/2015	2015-2/87

RULES INDEX

R313-35	Requirements for X-ray Equipment Used for Non-Medical Applications	39017	AMD	05/22/2015	2015-2/89
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	39017	CPR	05/22/2015	2015-8/30
R313-36-3	Clarifications or Exceptions	39276	AMD	06/16/2015	2015-9/52
R313-37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	38908	NEW	06/29/2015	2014-21/21
R313-37	Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material	38908	CPR	06/29/2015	2015-5/98
R313-38-3	Clarifications or Exceptions	39083	AMD	03/17/2015	2015-3/22

Solid and Hazardous Waste

R315-15-1	Applicability, Prohibitions, and Definitions	39302	NSC	05/11/2015	Not Printed
R315-15-3	Standards for Used Oil Collection Centers and Aggregation Points	39303	NSC	05/06/2015	Not Printed
R315-15-5	Standards for Used Oil Processors and Re-Refiners	39304	NSC	05/11/2015	Not Printed
R315-15-6	Standards for Used Oil Burners Who Burn Used Oil for Energy Recovery	39307	NSC	05/11/2015	Not Printed
R315-15-13	Registration and Permitting of Used Oil Handlers	39308	NSC	05/11/2015	Not Printed

Water Quality

R317-4	Onsite Wastewater Systems	39106	5YR	02/03/2015	2015-5/111
R317-10-8	Utah Wastewater Operator Certification Council	39105	AMD	04/29/2015	2015-4/10

FINANCIAL INSTITUTIONS

Administration

R331-14	Rule Governing Parties Who Engage in the Business of Issuing and Selling Money Orders, Traveler's Checks, and Other Instruments for the Purpose of Effecting Third-Party Payments	39370	REP	07/08/2015	2015-11/104
---------	---	-------	-----	------------	-------------

Nondepository Lenders

R343-10	Title Lenders Registration with the Nationwide Database	39442	NEW	08/12/2015	2015-13/22
R343-10	Title Lenders Registration with the Nationwide Database	39503	NSC	08/17/2015	Not Printed

GOVERNOR

Criminal and Juvenile Justice (State Commission on)

R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39053	EXT	01/02/2015	2015-3/75
R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39344	EXD	05/05/2015	2015-11/191
R356-101	Judicial Nominating Commissions	39466	5YR	06/26/2015	2015-14/142

Economic Development

R357-1	Rural Fast Track Program	39526	NSC	08/17/2015	Not Printed
R357-2	Targeted Business Tax Credit	39527	NSC	08/17/2015	Not Printed
R357-3	Refundable Economic Development Tax Credit	39094	R&R	04/13/2015	2015-4/12
R357-3	Refundable Economic Development Tax Credit	39528	NSC	08/17/2015	Not Printed
R357-4	Government Procurement Private Proposal Program	39529	NSC	08/17/2015	Not Printed
R357-5	Motion Picture Incentive Fund	39530	NSC	08/17/2015	Not Printed
R357-6	Technology and Life Science Economic Development and Related Tax Credits	39531	NSC	08/17/2015	Not Printed
R357-7	Utah Capital Investment Board	39532	NSC	08/17/2015	Not Printed
R357-8	Allocation of Private Activity Bond Volume Cap	39263	NEW	07/08/2015	2015-9/53
R357-9	Alternative Energy Development Tax Incentives	39533	NSC	08/17/2015	Not Printed

R357-10	Small Business Jobs Act or Utah New Market Tax Credit	39346	NEW	07/08/2015	2015-11/105
R357-11	Technology Commercialization and Innovation Program (TCIP)	38944	NEW	03/23/2015	2014-23/14
R357-11	Technology Commercialization and Innovation Program (TCIP)	39534	NSC	08/17/2015	Not Printed
R357-12	Fiscal Emergency Contingent Management of Federal Lands	38945	NEW	03/20/2015	2014-23/17
R357-14	Electronic Meetings	39510	NEW	09/10/2015	2015-15/13
<u>Energy Development (Office of)</u>					
R362-3	Energy Efficiency Fund	38931	AMD	01/07/2015	2014-22/24
HEALTH					
<u>Administration</u>					
R380-40	Local Health Department Minimum Performance Standards	39173	5YR	03/06/2015	2015-7/74
<u>Center for Health Data, Health Care Statistics</u>					
R428-2	Health Data Authority Standards for Health Data	39405	AMD	07/30/2015	2015-11/112
R428-15	Health Data Authority Health Insurance Claims Reporting	39247	NSC	04/07/2015	Not Printed
<u>Child Care Center Licensing Committee</u>					
R381-60	Hourly Child Care Centers	39130	NEW	05/01/2015	2015-5/16
R381-70	Out of School Time Programs	39129	NEW	05/01/2015	2015-5/25
R381-100	Child Care Centers	39128	NEW	05/01/2015	2015-5/36
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	39102	AMD	04/01/2015	2015-4/15
<u>Disease Control and Prevention, Environmental Services</u>					
R392-600	Illegal Drug Operations Decontamination Standards	39159	EXD	02/26/2015	2015-6/49
R392-600	Illegal Drug Operations Decontamination Standards	39161	NEW	05/01/2015	2015-6/27
<u>Disease Control and Prevention, Epidemiology</u>					
R386-703	Injury Reporting Rule	39170	AMD	05/15/2015	2015-7/24
R386-800	Immunization Coordination	39108	5YR	02/05/2015	2015-5/111
<u>Disease Control and Prevention, Health Promotion</u>					
R384-300	Parkinson's Disease Reporting Rule	39052	NEW	03/12/2015	2015-3/24
<u>Disease Control and Prevention, Immunization</u>					
R396-100	Immunization Rule for Students	39171	NSC	03/24/2015	Not Printed
<u>Family Health and Preparedness, Child Care Licensing</u>					
R430-6	Background Screenings	39465	AMD	08/31/2015	2015-14/93
R430-60	Hourly Child Care Centers	39127	REP	05/01/2015	2015-5/56
R430-70	Out of School Time Child Care Programs	39126	REP	05/01/2015	2015-5/66
R430-100	Child Care Centers	39125	REP	05/01/2015	2015-5/76
<u>Family Health and Preparedness, Children with Special Health Care Needs</u>					
R398-1	Newborn Screening	39054	AMD	06/01/2015	2015-3/26
R398-3	Children's Hearing Aid Pilot Program	39451	AMD	08/21/2015	2015-14/68
R398-30	Children's Organ Transplants	39133	NEW	04/20/2015	2015-5/49
<u>Family Health and Preparedness, Emergency Medical Services</u>					
R426-2	Emergency Medical Services Provider Designations, Critical Incident Stress Management and Quality Assurance Reviews	39467	AMD	08/21/2015	2015-14/82
R426-8	Emergency Medical Services Ambulance Rates and Charges	39265	AMD	06/08/2015	2015-9/55
R426-9	Statewide Trauma System Standards	39468	AMD	08/21/2015	2015-14/87

RULES INDEX

Family Health and Preparedness, Licensing

R432-2	General Licensing Provisions	39464	AMD	08/21/2015	2015-14/97
R432-2-6	Application	38982	AMD	02/06/2015	2014-24/33
R432-35	Background Screening -- Health Facilities	38954	AMD	01/27/2015	2014-23/23
R432-725	Personal Care Agency Rule	39232	AMD	06/02/2015	2015-7/27

Family Health and Preparedness, Maternal and Child Health

R433-1	Very Low Birth Weight Infant Reporting	38802	NEW	02/12/2015	2014-18/20
R433-1	Very Low Birth Weight Infant Reporting	38802	CPR	02/12/2015	2015-1/50

Family Health and Preparedness, Primary Care and Rural Health

R434-100	Physician Visa Waivers	39342	5YR	05/04/2015	2015-11/187
----------	------------------------	-------	-----	------------	-------------

Health Care Financing, Coverage and Reimbursement Policy

R414-1-5	Incorporations by Reference	39040	AMD	03/02/2015	2015-2/90
R414-1-5	Incorporations by Reference	39248	AMD	06/01/2015	2015-8/8
R414-1B	Prohibition of Payment for Certain Abortion Services	39341	AMD	07/01/2015	2015-10/32
R414-6	Reduction in Certain Targeted Case Management Services	39087	REP	03/24/2015	2015-4/18
R414-10B	Children's Organ Transplants	39134	REP	04/20/2015	2015-5/51
R414-11	Podiatric Services	38952	AMD	01/13/2015	2014-23/22
R414-14A	Hospice Care	39142	AMD	04/07/2015	2015-5/53
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	39005	AMD	02/18/2015	2015-1/24
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	39264	5YR	04/07/2015	2015-9/84
R414-33D	Targeted Case Management for Individuals with Serious Mental Illness	39377	5YR	05/15/2015	2015-11/186
R414-38	Personal Care Service	39131	AMD	04/07/2015	2015-5/54
R414-40	Private Duty Nursing Service	39515	5YR	07/16/2015	2015-16/81
R414-52	Optometry Services	39356	AMD	07/16/2015	2015-11/110
R414-53	Eyeglasses Services	39357	AMD	07/16/2015	2015-11/111
R414-59	Audiology Services	39516	5YR	07/16/2015	2015-16/81
R414-302-8	Application for Other Possible Benefits	39483	AMD	09/01/2015	2015-14/76
R414-303-6	12-Month Transitional Medicaid	39413	AMD	08/01/2015	2015-12/15
R414-303-8	Foster Care, Former Foster Care Youth and Independent Foster Care Adolescents	39165	AMD	05/08/2015	2015-7/26
R414-304	Income and Budgeting	39484	AMD	09/01/2015	2015-14/77
R414-306-2	QMB, SLMB, and QI Benefits	39414	AMD	08/01/2015	2015-12/16
R414-307	Eligibility for Home and Community-Based Services Waivers	39310	AMD	07/01/2015	2015-10/33
R414-309	Medicare Drug Benefit Low-Income Subsidy Determination	39145	5YR	02/18/2015	2015-6/45
R414-310-7	Household Composition and Income Provisions	38984	AMD	02/01/2015	2014-24/32
R414-401-3	Assessment	39299	AMD	07/01/2015	2015-10/37
R414-506	Hospital Provider Assessments	39517	5YR	07/16/2015	2015-16/82
R414-507	Ground Ambulance Service Provider Assessments	39332	NEW	07/01/2015	2015-10/38

HERITAGE AND ARTS

Arts and Museums

R451-3	Capital Funds Request Prioritization	39096	EXD	01/28/2015	2015-4/41
--------	--------------------------------------	-------	-----	------------	-----------

Indian Affairs

R456-1	Native American Grave Protection and Repatriation	39721	EXT	09/09/2015	Not Printed
--------	---	-------	-----	------------	-------------

Library

R458-3	Capital Funds Request Prioritization	39097	EXD	01/28/2015	2015-4/41
--------	--------------------------------------	-------	-----	------------	-----------

HUMAN RESOURCE MANAGEMENT

Administration

R477-1	Definitions	39324	AMD	07/01/2015	2015-10/39
--------	-------------	-------	-----	------------	------------

R477-2	Administration	39315	AMD	07/01/2015	2015-10/44
R477-3-1	Job Classification Applicability	39316	AMD	07/01/2015	2015-10/47
R477-4	Filling Positions	39317	AMD	07/01/2015	2015-10/48
R477-6	Compensation	39318	AMD	07/01/2015	2015-10/51
R477-7	Leave	39319	AMD	07/01/2015	2015-10/56
R477-8-3	Lunch, Break and Exercise Release Periods	39320	AMD	07/01/2015	2015-10/64
R477-9-4	Political Activity	39321	NSC	05/11/2015	Not Printed
R477-15	Workplace Harassment Prevention	39322	AMD	07/01/2015	2015-10/65
R477-16	Abusive Conduct Prevention	39323	NEW	07/01/2015	2015-10/67

HUMAN SERVICES

Administration

R495-808	Fatality Review Act	39326	5YR	04/30/2015	2015-10/106
R495-820	Institutional Review Board	39270	NEW	06/18/2015	2015-9/57
R495-861	Requirements for Local Discretionary Social Services Block Grant Funds	39361	AMD	07/16/2015	2015-11/116
R495-878	Americans With Disabilities Act Grievance Procedures	39325	R&R	06/22/2015	2015-10/68
R495-878	Americans With Disabilities Act Grievance Procedures	39480	AMD	08/25/2015	2015-14/101
R495-883	Children in Care Support Services	39500	5YR	07/06/2015	2015-15/33
R495-890	Department of Human Services Conflict Investigation Procedure	39469	5YR	06/29/2015	2015-14/142

Administration, Administrative Hearings

R497-100	Adjudicative Proceedings	39521	5YR	07/20/2015	2015-16/82
----------	--------------------------	-------	-----	------------	------------

Administration, Administrative Services, Licensing

R501-1	General Provisions	39334	AMD	07/01/2015	2015-10/72
R501-4	Certified Local Inspectors	39333	REP	06/29/2015	2015-10/76
R501-12	Foster Care Services	39358	EMR	05/12/2015	2015-11/178
R501-12	Foster Care Services	39638	EMR	09/04/2015	Not Printed
R501-19	Residential Treatment Programs	39258	5YR	04/01/2015	2015-8/34
R501-20	Day Treatment Programs	39259	5YR	04/01/2015	2015-8/35
R501-21	Outpatient Treatment Programs	39260	5YR	04/01/2015	2015-8/35
R501-22	Residential Support Programs	39257	5YR	04/01/2015	2015-8/36

Aging and Adult Services

R510-100	Funding Formulas	39272	AMD	06/30/2015	2015-9/62
R510-400	Home and Community Based Alternatives Program	39269	AMD	06/30/2015	2015-9/64

Child and Family Services

R512-1	Description of Division Services, Eligibility, and Service Access	39284	AMD	06/15/2015	2015-9/71
R512-11	Accommodation of Moral and Religious Beliefs and Culture	39535	5YR	07/22/2015	2015-16/83
R512-203	Child Protective Services, Significant Risk Assessments	39536	5YR	07/22/2015	2015-16/83
R512-300	Out-of-Home Services	39409	AMD	07/22/2015	2015-12/20
R512-308	Out-of-Home Services, Guardianship Services and Placements	39537	5YR	07/22/2015	2015-16/84
R512-500	Kinship Services, Placement and Background Screening	39499	AMD	09/08/2015	2015-15/16

Child Protection Ombudsman (Office of)

R515-1	Processing Complaints Regarding the Utah Division of Child and Family Services	39478	5YR	06/30/2015	2015-14/143
--------	--	-------	-----	------------	-------------

Recovery Services

R527-254	Limitations on Collection of Arrears	39262	NEW	06/09/2015	2015-9/74
----------	--------------------------------------	-------	-----	------------	-----------

Substance Abuse and Mental Health

R523-8	Evidence-Based Prevention Registry	38917	NEW	01/06/2015	2014-22/33
--------	------------------------------------	-------	-----	------------	------------

RULES INDEX

INSURANCE

Administration

R590-130	Rules Governing Advertisements of Insurance	39651	5YR	09/04/2015	Not Printed
R590-130-7	Advertisements of Benefits Payable, Losses Covered or Premiums Payable	39029	NSC	01/15/2015	Not Printed
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	39147	5YR	02/18/2015	2015-6/46
R590-142	Continuing Education Rule	38934	AMD	01/12/2015	2014-23/25
R590-162-3	Scope	39443	AMD	08/26/2015	2015-13/26
R590-164	Uniform Health Billing Rule	39174	5YR	03/10/2015	2015-7/74
R590-173	Credit For Reinsurance	39030	NSC	01/15/2015	Not Printed
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	39038	NSC	01/15/2015	Not Printed
R590-198-5	General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves	39444	AMD	08/26/2015	2015-13/27
R590-198-5	General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves	39444	CPR	08/26/2015	2015-14/133
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	39398	5YR	05/15/2015	2015-11/187
R590-226-14	Responses	39031	NSC	01/15/2015	Not Printed
R590-231	Workers' Compensation Market of Last Resort	39313	5YR	04/29/2015	2015-10/106
R590-244	Individual and Agency Licensing Requirements	38935	AMD	01/12/2015	2014-23/31
R590-256	Health Benefit Plan Internet Portal Solvency Rating	39175	5YR	03/10/2015	2015-7/75
R590-258	Email Address Requirement	39650	5YR	09/04/2015	Not Printed
R590-271	Data Reporting for Consumer Quality Comparison	39103	NEW	06/22/2015	2015-4/19
R590-271	Data Reporting for Consumer Quality Comparison	39103	CPR	06/22/2015	2015-10/98

Title and Escrow Commission

R592-1	Title Insurance Licensing	39652	5YR	09/04/2015	Not Printed
R592-2	Title Insurance Administrative Hearings and Penalty Imposition	39653	5YR	09/04/2015	Not Printed
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	39412	AMD	08/11/2015	2015-12/23

JUDICIAL CONDUCT COMMISSION

Administration

R595-1	General Provisions	39048	5YR	01/02/2015	2015-3/71
R595-2	Administration	39049	5YR	01/02/2015	2015-3/72
R595-3	Procedure	39050	5YR	01/02/2015	2015-3/72
R595-4	Sanctions	39051	5YR	01/02/2015	2015-3/73

JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

R597-2	Administration of the Commission	39268	5YR	04/13/2015	2015-9/85
R597-3-2	Survey	39244	AMD	05/27/2015	2015-8/13
R597-3-3	Courtroom Observation	39243	AMD	05/27/2015	2015-8/15

LABOR COMMISSION

Adjudication

R602-2-4	Attorney Fees	39380	AMD	07/08/2015	2015-11/117
----------	---------------	-------	-----	------------	-------------

Antidiscrimination and Labor, Antidiscrimination

R606-6	Regulation of Practice and Procedure on Employer Reports and Records	39245	5YR	03/30/2015	2015-8/36
--------	--	-------	-----	------------	-----------

Boiler and Elevator Safety

R616-3-3	Safety Codes for Elevators	39296	AMD	06/22/2015	2015-10/86
R616-4	Coal Mine Safety	39138	5YR	02/12/2015	2015-5/112

Occupational Safety and Health

R614-1-7 Inspections, Citations, and Proposed Penalties 39381 AMD 07/08/2015 2015-11/119

LIEUTENANT GOVERNOR

Elections

R623-1-4 Registration/License Application Procedure 39457 AMD 08/24/2015 2015-14/103

MONEY MANAGEMENT COUNCIL

Administration

R628-15 Certification as an Investment Adviser 39347 EXD 05/06/2015 2015-11/191  
 R628-15 Certification as an Investment Adviser 39348 EMR 05/06/2015 2015-11/180  
 R628-15 Certification as an Investment Adviser 39396 NEW 07/13/2015 2015-11/126

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-70 Sovereign Lands 39314 AMD 07/06/2015 2015-10/88  
 R652-160 Department of Natural Resources Wilderness Rules 38942 NEW 01/27/2015 2014-23/36

Oil, Gas and Mining; Oil and Gas

R649-3 Drilling and Operating Practices 39028 AMD 02/26/2015 2015-2/95

Parks and Recreation

R651-101 Adjudicative Proceedings 39139 5YR 02/12/2015 2015-5/112  
 R651-207 Registration Fee 39006 AMD 02/11/2015 2015-1/25  
 R651-214 Temporary Registration 38970 AMD 01/22/2015 2014-24/34  
 R651-223 Vessel Accident Reporting 39090 5YR 01/23/2015 2015-4/38  
 R651-409 Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race 39140 5YR 02/12/2015 2015-5/113  
 R651-412 Curriculum Standards for OHV Education Programs Offered by Non-Division Entities 39088 5YR 01/22/2015 2015-4/38  
 R651-602 Aircraft and Powerless Flight 39497 AMD 08/28/2015 2015-14/105  
 R651-634 Nonresident OHV User Permits and Fees 39089 5YR 01/22/2015 2015-4/39  
 R651-635 Commercial Use of Division Managed Park Areas 39141 5YR 02/12/2015 2015-5/113

Water Rights

R655-14 Administrative Procedures for enforcement Proceedings Before the Division of Water Rights 39153 5YR 02/24/2015 2015-6/47  
 R655-16 Administrative Procedures for Declaring Beneficial Use Limitations for Supplemental Water Rights 39152 5YR 02/24/2015 2015-6/47

Wildlife Resources

R657-3 Collection, Importation, Transportation, and Possession of Animals 39217 AMD 05/08/2015 2015-7/29  
 R657-5 Taking Big Game 38996 AMD 02/09/2015 2015-1/26  
 R657-5 Taking Big Game 39062 AMD 03/16/2015 2015-3/30  
 R657-6 Taking Upland Game 39431 5YR 06/08/2015 2015-13/63  
 R657-9 Taking Waterfowl, Common Snipe and Coot 39435 AMD 08/07/2015 2015-13/29  
 R657-11 Taking Furbearers 39509 5YR 07/13/2015 2015-15/34  
 R657-15 Closure of Gunnison, Cub and Hat Islands 39162 5YR 03/03/2015 2015-7/75  
 R657-19 Taking Nongame Mammals 39215 AMD 05/08/2015 2015-7/33  
 R657-21 Cooperative Wildlife Management Units for Small Game and Waterfowl 39163 5YR 03/03/2015 2015-7/76  
 R657-24 Compensation for Mountain Lion, Bear, Wolf or Eagle Damage 39559 5YR 08/03/2015 2015-17/105  
 R657-33 Taking Bear 39063 AMD 03/16/2015 2015-3/31  
 R657-38 Dedicated Hunter Program 39064 AMD 03/16/2015 2015-3/39  
 R657-41 Conservation and Sportsman Permits 39065 AMD 03/16/2015 2015-3/40  
 R657-41 Conservation and Sportsman Permits 39362 AMD 07/09/2015 2015-11/129

RULES INDEX

R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	39066	AMD	03/16/2015	2015-3/42
R657-43	Landowner Permits	38995	AMD	02/09/2015	2015-1/33
R657-55	Wildlife Convention Permits	39067	AMD	03/16/2015	2015-3/43
R657-55	Wildlife Expo Permits	39345	5YR	05/05/2015	2015-11/188
R657-57	Division Variance Rule	39068	AMD	03/16/2015	2015-3/48
R657-59	Private Fish Ponds	39069	AMD	03/16/2015	2015-3/50
R657-62	Drawing Application Procedures	39070	AMD	03/16/2015	2015-3/52
R657-65	Urban Deer Control	39434	AMD	08/07/2015	2015-13/33
R657-68	Trial Hunting Authorization	39071	AMD	03/16/2015	2015-3/54
R657-69	Turkey Depredation	38949	AMD	01/08/2015	2014-23/39
R657-70	Taking Utah Prairie Dogs	39216	NEW	05/08/2015	2015-7/36
R657-70	Taking Utah Prairie Dogs	39436	AMD	08/07/2015	2015-13/36

PARDONS (BOARD OF)

Administration

R671-201	Original Parole Grant Hearing Schedule and Notice	39093	AMD	03/24/2015	2015-4/20
R671-204	Hearing Continuances	39544	EMR	07/27/2015	2015-16/77
R671-205	Credit for Time Served	39420	AMD	08/11/2015	2015-13/43
R671-205	Credit for Time Served	39547	NSC	08/17/2015	Not Printed
R671-303-1	Information Received, Maintained or Used by the Board	39107	AMD	04/07/2015	2015-5/90
R671-305-1	Board Decisions and Orders	39137	AMD	04/07/2015	2015-5/91

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-100	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	39389	REP	07/08/2015	2015-11/134
R686-100-7	Default Procedures	39221	AMD	05/08/2015	2015-7/42
R686-101	UPPAC Hearing Procedures and Reports	39390	REP	07/08/2015	2015-11/139
R686-101-14	Default	39222	AMD	05/08/2015	2015-7/43
R686-102	Request for Licensure Reinstatement and Reinstatement Procedures	39391	REP	07/08/2015	2015-11/146
R686-103	Utah Professional Practices Advisory Commission Review of Licensure Due to Background Check Offenses	39392	REP	07/08/2015	2015-11/149
R686-104	Alcohol Related Offenses	39393	REP	07/08/2015	2015-11/152
R686-105	Drug Related Offenses	39394	REP	07/08/2015	2015-11/153

PUBLIC SAFETY

Administration

R698-6	Honoring Heroes Restricted Account	39549	5YR	07/29/2015	2015-16/84
--------	------------------------------------	-------	-----	------------	------------

Criminal Investigations and Technical Services, 911 Committee (Utah)

R720-1 (Changed to R173-1)	Utah 911 Committee	39022	AMD	05/06/2015	2015-2/98
----------------------------	--------------------	-------	-----	------------	-----------

Criminal Investigations and Technical Services, Criminal Identification

R722-300	Concealed Firearm Permit and Instructor Rule	39359	5YR	05/12/2015	2015-11/188
R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	39057	5YR	01/07/2015	2015-3/73
R722-330	Licensing of Private Investigators	38947	AMD	01/07/2015	2014-23/40
R722-330	Licensing of Private Investigators	39058	5YR	01/07/2015	2015-3/74
R722-330	Licensing of Private Investigators	39410	AMD	07/22/2015	2015-12/27
R722-370	Firearm Safety Program	39019	NEW	02/24/2015	2015-2/100
R722-380	Firearm Background Check Information	39091	NEW	03/24/2015	2015-4/22
R722-380	Firearm Background Check Information	39411	AMD	07/22/2015	2015-12/31

Driver License

R708-7	Functional Ability in Driving: Guidelines for Physicians	39072	AMD	03/10/2015	2015-3/55
--------	--	-------	-----	------------	-----------



R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	39236	AMD	05/26/2015	2015-8/17
R708-32	Uninsured Motorist Identification Database	39179	5YR	03/10/2015	2015-7/77
R708-36	Disclosure of Personal Identifying Information in MVRs	39178	5YR	03/10/2015	2015-7/77
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools or Testing Only Schools to Administer Driving Skills Tests	39180	5YR	03/10/2015	2015-7/78
R708-40	Driving Simulators	39181	5YR	03/10/2015	2015-7/78
R708-41	Requirements for Acceptable Documentation, Storage and Maintenance	39182	5YR	03/10/2015	2015-7/79
R708-50	Vehicle Impound Fee Reimbursement	39003	NEW	02/09/2015	2015-1/38
R708-51	Mobility Vehicle Permit	39043	NEW	02/25/2015	2015-2/97

Peace Officer Standards and Training

R728-506	Canine Body Armor Restricted Account	38983	NEW	01/26/2015	2014-24/36
----------	--------------------------------------	-------	-----	------------	------------

PUBLIC SERVICE COMMISSION

Administration

R746-100-3	Pleadings	39234	AMD	05/27/2015	2015-8/19
R746-100-11	Decisions and Orders	39235	AMD	05/27/2015	2015-8/21
R746-200-7	Termination of Service	39246	AMD	05/27/2015	2015-8/22
R746-312	Electrical Interconnection	39311	5YR	04/29/2015	2015-10/107
R746-341-5	Duties of ETCs	38936	AMD	01/07/2015	2014-23/43
R746-360	Universal Public Telecommunications Service Support Fund	39367	AMD	07/08/2015	2015-11/155
R746-510	Funding for Speech and Hearing Impaired Certified Interpreter Training	39568	5YR	08/11/2015	2015-17/105

REGENTS (BOARD OF)

Administration

R765-571	Delegation of Purchasing Authority	39010	NEW	04/28/2015	2015-1/39
R765-609	Regents' Scholarship	39157	5YR	02/25/2015	2015-6/48
R765-611	Veterans Tuition Gap Program	39023	NEW	02/25/2015	2015-2/101
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	39605	5YR	08/18/2015	2015-18/135

University of Utah, Commuter Services

R810-1	University of Utah Parking Regulations	39224	AMD	05/19/2015	2015-7/44
R810-2	Parking Meters	39225	AMD	05/19/2015	2015-7/46
R810-5	Permit Types, Eligibility and Designated Parking Areas	39226	AMD	05/19/2015	2015-7/47
R810-6	Permit Prices and Refunds	39227	AMD	05/19/2015	2015-7/48
R810-8	Vendor Regulations	39228	AMD	05/19/2015	2015-7/49
R810-9	Contractors and Their Employees	39229	AMD	05/19/2015	2015-7/50
R810-10	Enforcement System	39230	AMD	05/19/2015	2015-7/50
R810-11	Appeals System	39231	AMD	05/19/2015	2015-7/51

SCHOOL AND INSTITUTIONAL TRUST FUND BOARD OF TRUSTEES

Administration

R849-1	Appeal Rule	39143	NEW	04/15/2015	2015-5/92
--------	-------------	-------	-----	------------	-----------

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

R850-1-200	Definitions	39430	AMD	08/11/2015	2015-13/46
R850-21	Oil, Gas and Hydrocarbon Resources	39250	5YR	04/01/2015	2015-8/37
R850-22	Bituminous-Asphaltic Sands and Oil Shale Resources	39251	5YR	04/01/2015	2015-8/37
R850-23	Sand, Gravel and Cinders Permits	39252	5YR	04/01/2015	2015-8/38
R850-24	General Provisions: Mineral and Material Resources, Mineral Leases and Material Permits	39253	5YR	04/01/2015	2015-8/38
R850-25	Mineral Leases and Materials Permits	39254	5YR	04/01/2015	2015-8/39

RULES INDEX

R850-26	Coal Leases	39255	5YR	04/01/2015	2015-8/39
R850-27	Geothermal Steam	39256	5YR	04/01/2015	2015-8/40
R850-50	Range Management	39429	AMD	08/11/2015	2015-13/48
R850-90	Land Exchanges	39295	NSC	05/11/2015	Not Printed
R850-150	Rare Plant Species	39309	NEW	06/22/2015	2015-10/92
<b>TAX COMMISSION</b>					
<u>Auditing</u>					
R865-4D-21	Consistent Basis for Diesel Fuel Reporting Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-307	39437	AMD	08/27/2015	2015-13/50
R865-6F-28	Enterprise Zone Corporate Franchise Tax Credits Pursuant to Utah Code Ann. Sections 63M-1-401 through 63M-1-416	39425	NSC	06/24/2015	Not Printed
R865-9I-37	Enterprise Zone Individual Income Tax Credits Pursuant to Utah Code Ann. Sections 63M-1-401 through 63M-1-414	39426	NSC	06/24/2015	Not Printed
R865-20T-10	Procedures for the Revocation, Renewal, and Reinstatement of Licenses Issued Pursuant to Utah Code Ann. Sections 59-14-202, 59-14-203.5, and 59-14-301.5	39438	AMD	08/27/2015	2015-13/51
R865-21U	Use Tax	39564	5YR	08/06/2015	2015-17/106
<u>Collections</u>					
R867-2B	Delinquent Tax Collection	39565	5YR	08/06/2015	2015-17/106
<b>TECHNOLOGY SERVICES</b>					
<u>Administration</u>					
R895-1	Access to Records	39724	5YR	09/11/2015	Not Printed
R895-2	Americans With Disabilities Act (ADA) Complaint Procedure	39753	5YR	09/15/2015	Not Printed
R895-6	IT Plan Submission Rule for Agencies	39026	AMD	05/05/2015	2015-2/104
R895-14	Access to Information Technology for Users with Disabilities	39427	NEW	08/07/2015	2015-13/52
<b>TRANSPORTATION</b>					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	39172	EMR	03/06/2015	2015-7/53
R909-1	Safety Regulations for Motor Carriers	39479	AMD	08/24/2015	2015-14/106
<u>Operations, Construction</u>					
R916-3	DESIGN-BUILD Contracts	39100	AMD	03/27/2015	2015-4/23
R916-4	Construction Manager/General Contractor Contracts	39183	EXT	03/10/2015	2015-7/81
R916-4	Construction Manager/General Contractor Contracts	39101	AMD	03/27/2015	2015-4/26
R916-4	Construction Manager/General Contractor Contracts	39506	5YR	07/09/2015	2015-15/34
R916-6	Drug and Alcohol Testing in State Construction Contracts	39458	5YR	06/22/2015	2015-14/144
R916-6	Drug and Alcohol Testing in State Construction Contracts	39455	NSC	07/13/2015	Not Printed
<u>Operations, Maintenance</u>					
R918-7	Highway Sponsorship Programs	39004	NEW	02/20/2015	2015-1/42
R918-7	Highway Sponsorship Programs	39150	AMD	04/23/2015	2015-6/36
<u>Operations, Traffic and Safety</u>					
R920-1	Utah Manual on Uniform Traffic Control Devices	39481	AMD	08/24/2015	2015-14/108
R920-2	Rural Conventional Road Definition	39495	NEW	08/24/2015	2015-14/109
R920-4	Special Road Use or Event	39095	EMR	01/29/2015	2015-4/33
R920-8	Flashing Light Usage on Highway Construction or Maintenance Vehicles	39433	NEW	08/07/2015	2015-13/54

Preconstruction

R930-8	Utility Relocations Required by Highway Projects	39297	NEW	08/24/2015	2015-10/93
R930-8	Utility Relocations Required by Highway Projects	39297	CPR	08/24/2015	2015-14/135

Program Development

R926-8	Guidelines for Partnering with Local Governments	39504	5YR	07/07/2015	2015-15/35
R926-8	Guidelines for Partnering with Local Governments	39505	NSC	07/30/2015	Not Printed
R926-13	Designated Scenic Byways	39448	5YR	06/16/2015	2015-14/144
R926-14	Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes	39449	5YR	06/16/2015	2015-14/145

WORKFORCE SERVICES

Administration

R982-402-8	Eligible HEAT Household	39441	AMD	08/11/2015	2015-13/56
R982-700	Employment Opportunities Website	38938	NEW	01/29/2015	2014-23/44

Employment Development

R986-100	Employment Support Programs	39634	5YR	09/02/2015	Not Printed
R986-100-113	A Client Must Inform the Department of All Material Changes	39261	AMD	07/01/2015	2015-8/27
R986-200	Family Employment Program	39439	AMD	09/01/2015	2015-13/57
R986-200	Family Employment Program	39635	5YR	09/02/2015	Not Printed
R986-300	Refugee Resettlement Program	39643	5YR	09/03/2015	Not Printed
R986-400	General Assistance	39644	5YR	09/03/2015	Not Printed
R986-500	Adoption Assistance	39645	5YR	09/03/2015	Not Printed
R986-600	Workforce Investment Act	39646	5YR	09/03/2015	Not Printed
R986-700	Child Care Assistance	39098	AMD	05/01/2015	2015-4/28
R986-700	Child Care Assistance	39395	AMD	09/01/2015	2015-11/159
R986-700	Child Care Assistance	39496	AMD	09/01/2015	2015-14/110
R986-700	Child Care Assistance	39647	5YR	09/03/2015	Not Printed
R986-700-719	Job Search Child Care (JS CC)	38953	AMD	02/01/2015	2014-23/45
R986-700-775	High Quality School Readiness Grant Program	38939	AMD	01/29/2015	2014-23/46
R986-800	Displaced Homemaker Program	39648	5YR	09/03/2015	Not Printed
R986-900	Food Stamps	39649	5YR	09/03/2015	Not Printed

Housing and Community Development

R990-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	39085	AMD	03/10/2015	2015-3/58
--------	--	-------	-----	------------	-----------

Unemployment Insurance

R994-204	Covered Employment	39239	5YR	03/25/2015	2015-8/40
R994-205	Exempt Employment	39240	5YR	03/25/2015	2015-8/41
R994-206	Agricultural Labor	39241	5YR	03/25/2015	2015-8/41
R994-207	Unemployment	39577	5YR	08/13/2015	2015-17/107
R994-304	Special Provisions Regarding Transfers of Unemployment Experience and Assigning Rates	39242	5YR	03/25/2015	2015-8/42
R994-312-103	Confidentiality of Records	39440	AMD	08/11/2015	2015-13/59

**RULES INDEX - BY KEYWORD (SUBJECT)**

**ABBREVIATIONS**

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abortion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32
<u>abrasive blasting</u> Environmental Quality, Air Quality	39116 39119	R307-206 R307-306	5YR 5YR	02/05/2015 02/05/2015	2015-5/105 2015-5/107
<u>abusive conduct</u> Human Resource Management, Administration	39323	R477-16	NEW	07/01/2015	2015-10/67
<u>acceptable documents</u> Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>access</u> Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>access to information</u> Technology Services, Administration	39724	R895-1	5YR	09/11/2015	Not Printed
<u>accessibility guidelines</u> Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>accidents</u> Natural Resources, Parks and Recreation	39090	R651-223	5YR	01/23/2015	2015-4/38
<u>accountants</u> Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
<u>accreditation</u> Education, Administration	39485 39490	R277-410 R277-410	5YR AMD	07/01/2015 08/26/2015	2015-14/140 2015-14/43
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	39343	R156-72-102	AMD	07/09/2015	2015-11/28
<u>adjudicative proceedings</u> Commerce, Administration	39144 39034	R151-4-109 R151-14-3	AMD AMD	04/10/2015 02/24/2015	2015-5/9 2015-2/49
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
Environmental Quality, Radiation Control	38770 38770	R313-17-4 R313-17-4	AMD CPR	02/17/2015 02/17/2015	2014-17/95 2014-24/40
Public Safety, Driver License	39236	R708-14	AMD	05/26/2015	2015-8/17
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92
<u>administrative law</u> Administrative Services, Administrative Rules	39726	R15-1	5YR	09/11/2015	Not Printed

	39727	R15-2	5YR	09/11/2015	Not Printed
	39728	R15-3	5YR	09/11/2015	Not Printed
	39729	R15-4	5YR	09/11/2015	Not Printed
	39730	R15-5	5YR	09/11/2015	Not Printed
<u>administrative penalties</u>					
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47
<u>administrative procedures</u>					
Administrative Services, Administrative Rules	39730	R15-5	5YR	09/11/2015	Not Printed
Agriculture and Food, Administration	39633	R51-1	EXD	09/01/2015	2015-18/137
	39636	R51-1	EMR	09/02/2015	Not Printed
Agriculture and Food, Animal Industry	39602	R58-15	5YR	08/13/2015	2015-17/97
Commerce, Administration	39144	R151-4-109	AMD	04/10/2015	2015-5/9
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57
	39206	R309-300	5YR	03/13/2015	2015-7/63
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47
	39322	R477-15	AMD	07/01/2015	2015-10/65
	39323	R477-16	NEW	07/01/2015	2015-10/67
Human Services, Administration, Administrative Hearings	39521	R497-100	5YR	07/20/2015	2015-16/82
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88
Natural Resources, Parks and Recreation	39139	R651-101	5YR	02/12/2015	2015-5/112
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55
School and Institutional Trust Lands, Administration	39430	R850-1-200	AMD	08/11/2015	2015-13/46
	39250	R850-21	5YR	04/01/2015	2015-8/37
	39251	R850-22	5YR	04/01/2015	2015-8/37
	39254	R850-25	5YR	04/01/2015	2015-8/39
	39255	R850-26	5YR	04/01/2015	2015-8/39
	39256	R850-27	5YR	04/01/2015	2015-8/40
	39429	R850-50	AMD	08/11/2015	2015-13/48
	39295	R850-90	NSC	05/11/2015	Not Printed
<u>administrative proceedings</u>					
Commerce, Real Estate	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
<u>administrative responsibility</u>					
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
<u>adoption assistance</u>					
Workforce Services, Employment Development	39645	R986-500	5YR	09/03/2015	Not Printed
<u>advertising</u>					
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
<u>air pollution</u>					
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
	39167	R307-110-17	AMD	06/04/2015	2015-7/14
	39166	R307-110-28	AMD	06/04/2015	2015-7/15
	38998	R307-120	AMD	03/05/2015	2015-1/17
	39353	R307-121	AMD	09/03/2015	2015-11/86
	39354	R307-122	NEW	09/03/2015	2015-11/89
	39110	R307-165	5YR	02/05/2015	2015-5/102
	39111	R307-201	5YR	02/05/2015	2015-5/103
	39113	R307-202	5YR	02/05/2015	2015-5/103
	39112	R307-203	5YR	02/05/2015	2015-5/104
	39115	R307-205	5YR	02/05/2015	2015-5/105
	39116	R307-206	5YR	02/05/2015	2015-5/105
	39168	R307-210	AMD	06/04/2015	2015-7/17

RULES INDEX

	39169	R307-214	AMD	06/04/2015	2015-7/19
	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
	39118	R307-305	5YR	02/05/2015	2015-5/107
	39119	R307-306	5YR	02/05/2015	2015-5/107
	39120	R307-307	5YR	02/05/2015	2015-5/108
	39121	R307-309	5YR	02/05/2015	2015-5/108
	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22
	38901	R307-401-19	AMD	02/05/2015	2014-21/16
<u>air quality</u>					
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>air travel</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
<u>alcohol</u>					
Education, Administration	39387	R277-205	NEW	07/08/2015	2015-11/52
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	39156	R81-1-3	AMD	04/28/2015	2015-6/16
	39158	R81-1-6	AMD	04/28/2015	2015-6/18
	39329	R81-1-26	AMD	06/24/2015	2015-10/17
	39154	R81-2-1	AMD	04/28/2015	2015-6/22
	39476	R81-2-8	AMD	08/25/2015	2015-14/13
	39330	R81-2-9	AMD	06/24/2015	2015-10/20
	39417	R81-3-1	AMD	07/28/2015	2015-12/12
	39155	R81-3-5	AMD	04/28/2015	2015-6/23
	39418	R81-3-14	AMD	07/28/2015	2015-12/14
	39331	R81-3-19	AMD	06/24/2015	2015-10/21
	39059	R81-4E	5YR	01/08/2015	2015-3/69
<u>allocation</u>					
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53
<u>alternative energy</u>					
Governor, Economic Development	39533	R357-9	NSC	08/17/2015	Not Printed
<u>alternative fuels</u>					
Environmental Quality, Air Quality	39353	R307-121	AMD	09/03/2015	2015-11/86
	39354	R307-122	NEW	09/03/2015	2015-11/89
<u>alternative onsite wastewater systems</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>animal protection</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
<u>appeals</u>					
Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
Professional Practices Advisory Commission, Administration	39392	R686-103	REP	07/08/2015	2015-11/149
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92
<u>application procedures</u>					
Commerce, Real Estate	39575	R162-2a	5YR	08/13/2015	2015-17/100
	39576	R162-2a	NSC	08/28/2015	Not Printed
<u>appraisal management company</u>					
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26

<u>approval orders</u>						
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16	
<u>aquaculture</u>						
Agriculture and Food, Animal Industry	39074	R58-17	5YR	01/13/2015	2015-3/68	
Natural Resources, Wildlife Resources	39069	R657-59	AMD	03/16/2015	2015-3/50	
<u>architects</u>						
Administrative Services, Facilities Construction and Management	39061	R23-2	REP	03/16/2015	2015-3/4	
<u>armored car company</u>						
Commerce, Occupational and Professional Licensing	39294	R156-63b	AMD	06/22/2015	2015-10/24	
	39369	R156-63b	AMD	07/23/2015	2015-11/25	
<u>armored car security officers</u>						
Commerce, Occupational and Professional Licensing	39294	R156-63b	AMD	06/22/2015	2015-10/24	
	39369	R156-63b	AMD	07/23/2015	2015-11/25	
<u>arrears</u>						
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74	
<u>art</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>arts</u>						
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101	
<u>arts program</u>						
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72	
<u>assessment</u>						
Education, Administration	39340	R277-404	AMD	06/23/2015	2015-10/28	
<u>assignments</u>						
Education, Administration	39371	R277-520	5YR	05/15/2015	2015-11/185	
	39379	R277-520	AMD	07/08/2015	2015-11/80	
<u>attorney general</u>						
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34	
	39099	R105-1	AMD	03/26/2015	2015-4/4	
	39363	R105-1	EMR	05/12/2015	2015-11/171	
	39364	R105-1	AMD	07/13/2015	2015-11/13	
	39445	R105-3	NEW	08/10/2015	2015-13/17	
<u>audiology</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39516	R414-59	5YR	07/16/2015	2015-16/81	
<u>automobiles</u>						
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49	
<u>backflow assembly tester</u>						
Environmental Quality, Drinking Water	39207	R309-305	5YR	03/13/2015	2015-7/63	
<u>background check</u>						
Education, Administration	39386	R277-204	NEW	07/08/2015	2015-11/50	
	39387	R277-205	NEW	07/08/2015	2015-11/52	
<u>background checks</u>						
Education, Administration	39388	R277-206	NEW	07/08/2015	2015-11/53	
<u>background review</u>						
Education, Administration	39386	R277-204	NEW	07/08/2015	2015-11/50	

RULES INDEX

---

background screenings

Health, Family Health and Preparedness, Child Care Licensing	39465	R430-6	AMD	08/31/2015	2015-14/93
Health, Family Health and Preparedness, Licensing	38954	R432-35	AMD	01/27/2015	2014-23/23

bail bond recovery licenses

Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39057	R722-310	5YR	01/07/2015	2015-3/73
--	-------	----------	-----	------------	-----------

beam limitation

Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85
--	-------	------------	-----	------------	-----------

bear

Natural Resources, Wildlife Resources	39063	R657-33	AMD	03/16/2015	2015-3/31
---------------------------------------	-------	---------	-----	------------	-----------

beekeeping

Agriculture and Food, Plant Industry	39237	R68-1	5YR	03/24/2015	2015-8/33
	39612	R68-1	5YR	08/24/2015	2015-18/133

beneficial use

Natural Resources, Water Rights	39152	R655-16	5YR	02/24/2015	2015-6/47
---------------------------------	-------	---------	-----	------------	-----------

bicycles

Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33
--	-------	--------	-----	------------	-----------

big game seasons

Natural Resources, Wildlife Resources	38996	R657-5	AMD	02/09/2015	2015-1/26
	39062	R657-5	AMD	03/16/2015	2015-3/30
	38995	R657-43	AMD	02/09/2015	2015-1/33

birds

Natural Resources, Wildlife Resources	39431	R657-6	5YR	06/08/2015	2015-13/63
	39435	R657-9	AMD	08/07/2015	2015-13/29
	39162	R657-15	5YR	03/03/2015	2015-7/75

bituminous-asphaltic sands

School and Institutional Trust Lands, Administration	39251	R850-22	5YR	04/01/2015	2015-8/37
--	-------	---------	-----	------------	-----------

Board of Education

Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40
---------------------------	-------	---------	-----	------------	------------

boating

Natural Resources, Parks and Recreation	39006	R651-207	AMD	02/11/2015	2015-1/25
	38970	R651-214	AMD	01/22/2015	2014-24/34
	39090	R651-223	5YR	01/23/2015	2015-4/38

breaks

Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
---	-------	----------	-----	------------	------------

broad scope

Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40
	39279	R313-22	CPR	08/26/2015	2015-14/124

budgeting

Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77
--	-------	----------	-----	------------	------------

bulls

Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37
---------------------------------------	-------	--------	-----	------------	-----------

buyer beware list

Commerce, Consumer Protection	39273	R152-1	AMD	06/08/2015	2015-9/5
-------------------------------	-------	--------	-----	------------	----------

byproduct materials

Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed
--	-------	-----------	-----	------------	-------------



<u>camp resort</u>						
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103	
<u>Canine Body Armor Restricted Account</u>						
Public Safety, Peace Officer Standards and Training	38983	R728-506	NEW	01/26/2015	2014-24/36	
<u>capacity development</u>						
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73	
<u>capital facilities</u>						
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41	
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41	
<u>capital investments</u>						
Governor, Economic Development	39532	R357-7	NSC	08/17/2015	Not Printed	
<u>capital punishment</u>						
Pardons (Board Of), Administration	39547	R671-205	NSC	08/17/2015	Not Printed	
<u>case management</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39087	R414-6	REP	03/24/2015	2015-4/18	
<u>cash management</u>						
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191	
	39348	R628-15	EMR	05/06/2015	2015-11/180	
	39396	R628-15	NEW	07/13/2015	2015-11/126	
<u>cattle</u>						
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37	
<u>certificate of registration</u>						
Natural Resources, Wildlife Resources	39434	R657-65	AMD	08/07/2015	2015-13/33	
<u>certification</u>						
Education, Rehabilitation	38930	R280-203	AMD	01/02/2015	2014-22/22	
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86	
<u>certified foster care</u>						
Human Services, Administration, Administrative Services, Licensing	39358	R501-12	EMR	05/12/2015	2015-11/178	
	39638	R501-12	EMR	09/04/2015	Not Printed	
<u>certified local inspector</u>						
Human Services, Administration, Administrative Services, Licensing	39333	R501-4	REP	06/29/2015	2015-10/76	
<u>certified nurse midwife</u>						
Commerce, Occupational and Professional Licensing	39176	R156-44a-609	AMD	05/11/2015	2015-7/2	
<u>change orders</u>						
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
<u>character education</u>						
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
<u>chemical testing</u>						
Agriculture and Food, Chemistry Laboratory	39611	R63-1	5YR	08/24/2015	2015-18/133	
<u>child abuse</u>						
Human Services, Child and Family Services	39536	R512-203	5YR	07/22/2015	2015-16/83	
	39409	R512-300	AMD	07/22/2015	2015-12/20	
<u>child care</u>						
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25	

RULES INDEX

	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
Workforce Services, Employment Development	39098	R986-700	AMD	05/01/2015	2015-4/28
	39395	R986-700	AMD	09/01/2015	2015-11/159
	39496	R986-700	AMD	09/01/2015	2015-14/110
	39647	R986-700	5YR	09/03/2015	Not Printed
	38953	R986-700-719	AMD	02/01/2015	2014-23/45
	38939	R986-700-775	AMD	01/29/2015	2014-23/46
<u>child care centers</u>					
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25
	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
<u>child care facilities</u>					
Health, Child Care Center Licensing Committee	39130	R381-60	NEW	05/01/2015	2015-5/16
	39129	R381-70	NEW	05/01/2015	2015-5/25
	39128	R381-100	NEW	05/01/2015	2015-5/36
Health, Family Health and Preparedness, Child Care Licensing	39465	R430-6	AMD	08/31/2015	2015-14/93
	39127	R430-60	REP	05/01/2015	2015-5/56
	39126	R430-70	REP	05/01/2015	2015-5/66
	39125	R430-100	REP	05/01/2015	2015-5/76
<u>child support</u>					
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74
<u>child welfare</u>					
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
	39535	R512-11	5YR	07/22/2015	2015-16/83
	39536	R512-203	5YR	07/22/2015	2015-16/83
	39409	R512-300	AMD	07/22/2015	2015-12/20
	39499	R512-500	AMD	09/08/2015	2015-15/16
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	39102	R382-10	AMD	04/01/2015	2015-4/15
<u>cinders</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>citizenship</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>civic education</u>					
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105
	39288	R277-475	AMD	06/08/2015	2015-9/16
<u>claims</u>					
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed
<u>coal</u>					
School and Institutional Trust Lands, Administration	39255	R850-26	5YR	04/01/2015	2015-8/39
<u>coal mines</u>					
Labor Commission, Boiler and Elevator Safety	39138	R616-4	5YR	02/12/2015	2015-5/112
<u>comments</u>					
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40

<u>commercialization</u>						
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14	
	39534	R357-11	NSC	08/17/2015	Not Printed	
<u>committees</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
<u>communicable diseases</u>						
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79	
<u>complaints</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143	
<u>compliance determinations</u>						
Environmental Quality, Drinking Water	39201	R309-205	5YR	03/13/2015	2015-7/60	
	39202	R309-210	5YR	03/13/2015	2015-7/61	
	39203	R309-215	5YR	03/13/2015	2015-7/61	
<u>concealed firearm permit instructors</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39359	R722-300	5YR	05/12/2015	2015-11/188	
<u>concealed firearm permits</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39359	R722-300	5YR	05/12/2015	2015-11/188	
<u>conduct</u>						
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9	
	38978	R33-16-401	AMD	01/28/2015	2014-24/12	
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102	
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26	
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37	
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134	
	39221	R686-100-7	AMD	05/08/2015	2015-7/42	
<u>confidential information</u>						
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19	
	39235	R746-100-11	AMD	05/27/2015	2015-8/21	
<u>confidentiality</u>						
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6	
	39375	R277-487	AMD	07/08/2015	2015-11/67	
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85	
<u>confidentiality of information</u>						
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44	
Technology Services, Administration	39724	R895-1	5YR	09/11/2015	Not Printed	
Workforce Services, Unemployment Insurance	39440	R994-312-103	AMD	08/11/2015	2015-13/59	
<u>conflict</u>						
Human Services, Administration	39469	R495-890	5YR	06/29/2015	2015-14/142	
<u>conflict of interest</u>						
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>conflicts of interest</u>						
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85	
<u>connections</u>						
Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70	
	39508	R309-550-10	AMD	09/10/2015	2015-15/4	

RULES INDEX

---

<u>consent</u>						
Health, Disease Control and Prevention, Epidemiology	39108	R386-800	5YR	02/05/2015	2015-5/111	
<u>conservation</u>						
Natural Resources, Wildlife Resources	39162	R657-15	5YR	03/03/2015	2015-7/75	
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92	
<u>conservation permits</u>						
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40	
	39362	R657-41	AMD	07/09/2015	2015-11/129	
<u>construction</u>						
Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23	
	39183	R916-4	EXT	03/10/2015	2015-7/81	
	39101	R916-4	AMD	03/27/2015	2015-4/26	
	39506	R916-4	5YR	07/09/2015	2015-15/34	
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54	
<u>consumer confidence report</u>						
Environmental Quality, Drinking Water	39205	R309-225	5YR	03/13/2015	2015-7/62	
<u>consumer protection</u>						
Commerce, Consumer Protection	39281	R152-1	5YR	04/15/2015	2015-9/83	
	39273	R152-1	AMD	06/08/2015	2015-9/5	
	39282	R152-39	5YR	04/15/2015	2015-9/83	
<u>contamination</u>						
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21	
<u>continuances</u>						
Pardons (Board Of), Administration	39544	R671-204	EMR	07/27/2015	2015-16/77	
<u>continuing professional education</u>						
Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7	
<u>contract requirements</u>						
Environmental Quality, Administration	39135	R305-5	5YR	02/09/2015	2015-5/101	
<u>contractors</u>						
Administrative Services, Facilities Construction and Management	39482	R23-7	5YR	06/30/2015	2015-14/139	
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32	
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144	
	39455	R916-6	NSC	07/13/2015	Not Printed	
<u>contracts</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
	39482	R23-7	5YR	06/30/2015	2015-14/139	
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32	
Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23	
	39183	R916-4	EXT	03/10/2015	2015-7/81	
	39101	R916-4	AMD	03/27/2015	2015-4/26	
	39506	R916-4	5YR	07/09/2015	2015-15/34	
	39458	R916-6	5YR	06/22/2015	2015-14/144	
	39455	R916-6	NSC	07/13/2015	Not Printed	
<u>controlled substance database</u>						
Commerce, Occupational and Professional Licensing	39020	R156-37f-102	AMD	02/24/2015	2015-2/84	
<u>controlled substances</u>						
Commerce, Occupational and Professional Licensing	39015	R156-37	AMD	02/24/2015	2015-2/80	
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106	

<u>controversies</u>						
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9	
	38978	R33-16-401	AMD	01/28/2015	2014-24/12	
<u>corrections</u>						
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79	
	39539	R251-109	5YR	07/23/2015	2015-16/80	
	39540	R251-301	5YR	07/23/2015	2015-16/80	
	39060	R251-303	5YR	01/08/2015	2015-3/70	
	39610	R251-303	5YR	08/24/2015	2015-18/134	
	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>corrective action</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	
<u>costs</u>						
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9	
<u>counties</u>						
Auditor, Administration	39136	R123-6	AMD	04/08/2015	2015-5/8	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>CPB</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>credit enhancements</u>						
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72	
<u>credit for time served</u>						
Pardons (Board Of), Administration	39420	R671-205	AMD	08/11/2015	2015-13/43	
<u>cross connection control</u>						
Environmental Quality, Drinking Water	39207	R309-305	5YR	03/13/2015	2015-7/63	
<u>curricula</u>						
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101	
	39338	R277-475	5YR	05/01/2015	2015-10/105	
	39288	R277-475	AMD	06/08/2015	2015-9/16	
	39487	R277-700	5YR	07/01/2015	2015-14/141	
<u>curriculum</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
<u>curriculum materials</u>						
Education, Administration	39077	R277-111	5YR	01/15/2015	2015-3/71	
	39078	R277-111	AMD	03/10/2015	2015-3/13	
<u>custody requirements</u>						
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37	
<u>damages</u>						
Natural Resources, Wildlife Resources	39559	R657-24	5YR	08/03/2015	2015-17/105	
<u>data</u>						
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed	
Insurance, Administration	39103	R590-271	NEW	06/22/2015	2015-4/19	
	39103	R590-271	CPR	06/22/2015	2015-10/98	

RULES INDEX

---

data reporting

Insurance, Administration	39103	R590-271	NEW	06/22/2015	2015-4/19
	39103	R590-271	CPR	06/22/2015	2015-10/98

DCFS

Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
---	-------	--------	-----	------------	-------------

decommissioning

Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40
	39279	R313-22	CPR	08/26/2015	2015-14/124

definitions

Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4
Education, Administration	39488	R277-99	NEW	08/26/2015	2015-14/40
	39382	R277-200	NEW	07/08/2015	2015-11/33
Environmental Quality, Drinking Water	39198	R309-110	5YR	03/13/2015	2015-7/59
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39
School and Institutional Trust Lands, Administration	39430	R850-1-200	AMD	08/11/2015	2015-13/46

demonstration

Health, Health Care Financing, Coverage and Reimbursement Policy	38984	R414-310-7	AMD	02/01/2015	2014-24/32
---	-------	------------	-----	------------	------------

dental

Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85
--	-------	------------	-----	------------	-----------

depredation

Natural Resources, Wildlife Resources	38949	R657-69	AMD	01/08/2015	2014-23/39
---------------------------------------	-------	---------	-----	------------	------------

developmentally disabled

Technology Services, Administration	39753	R895-2	5YR	09/15/2015	Not Printed
-------------------------------------	-------	--------	-----	------------	-------------

digital media

Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed
--------------------------------	-------	--------	-----	------------	-------------

direct filtration

Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68
---------------------------------------	-------	----------	-----	------------	-----------

disabilities act

Technology Services, Administration	39753	R895-2	5YR	09/15/2015	Not Printed
-------------------------------------	-------	--------	-----	------------	-------------

disability

Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97
-------------------------------	-------	---------	-----	------------	-----------

disabled persons

Human Services, Administration	39325	R495-878	R&R	06/22/2015	2015-10/68
	39480	R495-878	AMD	08/25/2015	2015-14/101

disciplinary actions

Education, Administration	39387	R277-205	NEW	07/08/2015	2015-11/52
	39388	R277-206	NEW	07/08/2015	2015-11/53
	39493	R277-609	AMD	09/03/2015	2015-14/54
Professional Practices Advisory Commission, Administration	39393	R686-104	REP	07/08/2015	2015-11/152
	39394	R686-105	REP	07/08/2015	2015-11/153

disclosure

Pardons (Board Of), Administration	39107	R671-303-1	AMD	04/07/2015	2015-5/90
------------------------------------	-------	------------	-----	------------	-----------

discrimination

Labor Commission, Antidiscrimination and Labor, Antidiscrimination	39245	R606-6	5YR	03/30/2015	2015-8/36
---	-------	--------	-----	------------	-----------

disease control

Agriculture and Food, Animal Industry	39423	R58-1	AMD	08/12/2015	2015-13/7
---------------------------------------	-------	-------	-----	------------	-----------

	39086	R58-21	5YR	01/21/2015	2015-4/37
<u>disinfection monitoring</u>					
Environmental Quality, Drinking Water	39203	R309-215	5YR	03/13/2015	2015-7/61
<u>displaced homemakers</u>					
Workforce Services, Employment Development	39648	R986-800	5YR	09/03/2015	Not Printed
<u>disruptive students</u>					
Education, Administration	39493	R277-609	AMD	09/03/2015	2015-14/54
<u>distribution system monitoring</u>					
Environmental Quality, Drinking Water	39202	R309-210	5YR	03/13/2015	2015-7/61
<u>domestic violence</u>					
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71
	39409	R512-300	AMD	07/22/2015	2015-12/20
<u>drain field</u>					
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
<u>drinking water</u>					
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57
	39197	R309-105	5YR	03/13/2015	2015-7/58
	39198	R309-110	5YR	03/13/2015	2015-7/59
	39199	R309-115	5YR	03/13/2015	2015-7/59
	39200	R309-200	5YR	03/13/2015	2015-7/60
	39201	R309-205	5YR	03/13/2015	2015-7/60
	39202	R309-210	5YR	03/13/2015	2015-7/61
	39203	R309-215	5YR	03/13/2015	2015-7/61
	39204	R309-220	5YR	03/13/2015	2015-7/62
	39205	R309-225	5YR	03/13/2015	2015-7/62
	39206	R309-300	5YR	03/13/2015	2015-7/63
	39207	R309-305	5YR	03/13/2015	2015-7/63
	39208	R309-400	5YR	03/13/2015	2015-7/64
	39209	R309-405	5YR	03/13/2015	2015-7/64
	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16
	39076	R309-500	CPR	07/15/2015	2015-11/166
	39185	R309-505	5YR	03/13/2015	2015-7/65
	39186	R309-510	5YR	03/13/2015	2015-7/66
	39399	R309-510	AMD	07/15/2015	2015-11/92
	39187	R309-511	5YR	03/13/2015	2015-7/66
	39188	R309-515	5YR	03/13/2015	2015-7/67
	39189	R309-520	5YR	03/13/2015	2015-7/67
	39190	R309-525	5YR	03/13/2015	2015-7/68
	39191	R309-530	5YR	03/13/2015	2015-7/68
	39192	R309-535	5YR	03/13/2015	2015-7/69
	39193	R309-540	5YR	03/13/2015	2015-7/69
	39194	R309-545	5YR	03/13/2015	2015-7/70
	39195	R309-550	5YR	03/13/2015	2015-7/70
	39508	R309-550-10	AMD	09/10/2015	2015-15/4
	39213	R309-600	5YR	03/13/2015	2015-7/71
	39214	R309-605	5YR	03/13/2015	2015-7/71
	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>driver license</u>					
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77
<u>driver training</u>					
Public Safety, Driver License	39180	R708-37	5YR	03/10/2015	2015-7/78
<u>driving simulators</u>					
Public Safety, Driver License	39181	R708-40	5YR	03/10/2015	2015-7/78

RULES INDEX

---

drug and alcohol testing

Administrative Services, Facilities Construction and Management	39482	R23-7	5YR	06/30/2015	2015-14/139
Capitol Preservation Board (State), Administration	39502	R131-15	5YR	07/06/2015	2015-15/32
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144
	39455	R916-6	NSC	07/13/2015	Not Printed

drug offenses

Education, Administration	39388	R277-206	NEW	07/08/2015	2015-11/53
---------------------------	-------	----------	-----	------------	------------

drug stamps

Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
-----------------------------	-------	---------	-----	------------	-------------

dual employment

Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
---	-------	----------	-----	------------	------------

e-mail

Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
-------------------------------	-------	---------	-----	------------	-----------

economic development

Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12
	39528	R357-3	NSC	08/17/2015	Not Printed
	39530	R357-5	NSC	08/17/2015	Not Printed
	39531	R357-6	NSC	08/17/2015	Not Printed
	39532	R357-7	NSC	08/17/2015	Not Printed
	39533	R357-9	NSC	08/17/2015	Not Printed

economic opportunity

Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
--------------------------------	-------	--------	-----	------------	-------------

EDTIF

Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12
--------------------------------	-------	--------	-----	------------	-----------

education finance

Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58
	39080	R277-419-9	EMR	01/15/2015	2015-3/63

educational administration

Education, Administration	39218	R277-116-1	AMD	05/08/2015	2015-7/7
---------------------------	-------	------------	-----	------------	----------

educator license

Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
	39386	R277-204	NEW	07/08/2015	2015-11/50
Professional Practices Advisory Commission, Administration	39392	R686-103	REP	07/08/2015	2015-11/149

educator license renewal

Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141
	39491	R277-500	AMD	08/26/2015	2015-14/46

educator licensing

Education, Administration	39378	R277-502	AMD	07/08/2015	2015-11/75
---------------------------	-------	----------	-----	------------	------------

educators

Education, Administration	39382	R277-200	NEW	07/08/2015	2015-11/33
	39384	R277-202	NEW	07/08/2015	2015-11/41
	39387	R277-205	NEW	07/08/2015	2015-11/52
	39388	R277-206	NEW	07/08/2015	2015-11/53
	39582	R277-498	5YR	08/13/2015	2015-17/103
	39290	R277-517-5	AMD	06/08/2015	2015-9/19
	39371	R277-520	5YR	05/15/2015	2015-11/185
	39379	R277-520	AMD	07/08/2015	2015-11/80
Professional Practices Advisory Commission, Administration	39393	R686-104	REP	07/08/2015	2015-11/152
	39394	R686-105	REP	07/08/2015	2015-11/153



<u>effective date</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16	
<u>efficiency</u>						
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24	
<u>elderly</u>						
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62	
	39269	R510-400	AMD	06/30/2015	2015-9/64	
<u>electronic meetings</u>						
Governor, Economic Development	39510	R357-14	NEW	09/10/2015	2015-15/13	
<u>elevator mechanics</u>						
Commerce, Occupational and Professional Licensing	39736	R156-55e	5YR	09/14/2015	Not Printed	
<u>elevators</u>						
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86	
<u>eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33	
	39145	R414-309	5YR	02/18/2015	2015-6/45	
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71	
<u>email address requirements</u>						
Insurance, Administration	39650	R590-258	5YR	09/04/2015	Not Printed	
<u>emergency medical services</u>						
Health, Family Health and Preparedness, Emergency Medical Services	39467	R426-2	AMD	08/21/2015	2015-14/82	
	39265	R426-8	AMD	06/08/2015	2015-9/55	
	39468	R426-9	AMD	08/21/2015	2015-14/87	
<u>emergency procurement</u>						
Administrative Services, Purchasing and General Services	39328	R33-8	AMD	06/23/2015	2015-10/15	
<u>emergency safety interventions</u>						
Education, Administration	39493	R277-609	AMD	09/03/2015	2015-14/54	
<u>emission testing</u>						
Environmental Quality, Air Quality	39110	R307-165	5YR	02/05/2015	2015-5/102	
<u>employee benefit plans</u>						
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51	
<u>employment</u>						
Human Resource Management, Administration	39317	R477-4	AMD	07/01/2015	2015-10/48	
<u>employment support procedures</u>						
Workforce Services, Employment Development	39634	R986-100	5YR	09/02/2015	Not Printed	
	39261	R986-100-113	AMD	07/01/2015	2015-8/27	
<u>employment tests</u>						
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40	
	39240	R994-205	5YR	03/25/2015	2015-8/41	
	39241	R994-206	5YR	03/25/2015	2015-8/41	
<u>endangered species</u>						
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92	
<u>endowed universities</u>						
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72	

RULES INDEX

---

<u>energy</u>						
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24	
<u>energy assistance</u>						
Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56	
<u>enforcement</u>						
Agriculture and Food, Animal Industry	39602	R58-15	5YR	08/13/2015	2015-17/97	
Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33	
	39477	R162-2c	AMD	09/04/2015	2015-14/26	
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8	
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47	
<u>engineers</u>						
Administrative Services, Facilities Construction and Management	39061	R23-2	REP	03/16/2015	2015-3/4	
<u>enrollment</u>						
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55	
	39373	R277-418	NEW	07/08/2015	2015-11/57	
<u>enterprise zones</u>						
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed	
<u>environmental analysis</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>environmental health</u>						
Environmental Quality, Drinking Water	39213	R309-600	5YR	03/13/2015	2015-7/71	
	39214	R309-605	5YR	03/13/2015	2015-7/71	
<u>environmental health scientists</u>						
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101	
	39351	R156-20a	AMD	07/09/2015	2015-11/20	
<u>environmental health scientists-in-training</u>						
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101	
	39351	R156-20a	AMD	07/09/2015	2015-11/20	
<u>environmental protection</u>						
Environmental Quality, Drinking Water	39196	R309-100	5YR	03/13/2015	2015-7/57	
	39206	R309-300	5YR	03/13/2015	2015-7/63	
	39208	R309-400	5YR	03/13/2015	2015-7/64	
	39209	R309-405	5YR	03/13/2015	2015-7/64	
<u>equipment</u>						
Environmental Quality, Air Quality	38998	R307-120	AMD	03/05/2015	2015-1/17	
<u>evaluation cycles</u>						
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>evidence-based prevention</u>						
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33	
<u>evidence-based prevention workgroup</u>						
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33	
<u>exceptions to procurement requirements</u>						
Administrative Services, Purchasing and General Services	39328	R33-8	AMD	06/23/2015	2015-10/15	

<u>exemptions</u>					
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
<u>expert witnesses</u>					
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
<u>eyeglasses</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39357	R414-53	AMD	07/16/2015	2015-11/111
<u>facilities use</u>					
Capitol Preservation Board (State), Administration	39025	R131-2	AMD	02/24/2015	2015-2/41
<u>fair employment practices</u>					
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44
	39317	R477-4	AMD	07/01/2015	2015-10/48
<u>family employment program</u>					
Workforce Services, Employment Development	39439	R986-200	AMD	09/01/2015	2015-13/57
	39635	R986-200	5YR	09/02/2015	Not Printed
<u>fatality review</u>					
Human Services, Administration	39326	R495-808	5YR	04/30/2015	2015-10/106
<u>federal lands</u>					
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17
<u>federal shutdown</u>					
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17
<u>feed contamination</u>					
Agriculture and Food, Plant Industry	39471	R68-2	5YR	06/29/2015	2015-14/139
<u>fees</u>					
Financial Institutions, Nondepository Lenders	39442	R343-10	NEW	08/12/2015	2015-13/22
	39503	R343-10	NSC	08/17/2015	Not Printed
<u>films</u>					
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33
<u>filtration</u>					
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68
<u>finance</u>					
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4
<u>financial aid</u>					
Regents (Board Of), Administration	39023	R765-611	NEW	02/25/2015	2015-2/101
<u>financial assistance</u>					
Environmental Quality, Drinking Water	39211	R309-705	5YR	03/13/2015	2015-7/72
<u>financial disclosures</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77
<u>financial institutions</u>					
Financial Institutions, Administration	39370	R331-14	REP	07/08/2015	2015-11/104
<u>fingerprint background check</u>					
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141
	39491	R277-500	AMD	08/26/2015	2015-14/46

RULES INDEX

---

<u>fingerprinting</u>					
Environmental Quality, Radiation Control	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
<u>fire authority</u>					
Environmental Quality, Air Quality	39113	R307-202	5YR	02/05/2015	2015-5/103
<u>firearm background check information</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22
	39411	R722-380	AMD	07/22/2015	2015-12/31
<u>firearm denials</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22
	39411	R722-380	AMD	07/22/2015	2015-12/31
<u>firearm purchases</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22
	39411	R722-380	AMD	07/22/2015	2015-12/31
<u>firearm releases</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39091	R722-380	NEW	03/24/2015	2015-4/22
	39411	R722-380	AMD	07/22/2015	2015-12/31
<u>firearm safety</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100
<u>fireplaces</u>					
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106
	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
<u>fiscal emergency</u>					
Governor, Economic Development	38945	R357-12	NEW	03/20/2015	2014-23/17
<u>fish</u>					
Natural Resources, Wildlife Resources	39069	R657-59	AMD	03/16/2015	2015-3/50
<u>flashing lights</u>					
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54
<u>flocculation</u>					
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68
<u>food inspections</u>					
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67
	39573	R58-12	5YR	08/12/2015	2015-17/97
	39614	R58-13	EXD	08/25/2015	2015-18/137
	39616	R58-13	EMR	08/25/2015	2015-18/131
Agriculture and Food, Regulatory Services	39561	R70-610	5YR	08/05/2015	2015-17/98
	39560	R70-620	5YR	08/05/2015	2015-17/98
<u>food stamps</u>					
Workforce Services, Employment Development	39649	R986-900	5YR	09/03/2015	Not Printed
<u>former foster care youth</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15
	39165	R414-303-8	AMD	05/08/2015	2015-7/26

<u>foster care</u>					
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33
Human Services, Administration, Administrative Services, Licensing	39358	R501-12	EMR	05/12/2015	2015-11/178
	39638	R501-12	EMR	09/04/2015	Not Printed
<u>franchises</u>					
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed
<u>freedom of information</u>					
Technology Services, Administration	39724	R895-1	5YR	09/11/2015	Not Printed
<u>fuel</u>					
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50
<u>fuel composition</u>					
Environmental Quality, Air Quality	39112	R307-203	5YR	02/05/2015	2015-5/104
<u>fuel oil</u>					
Environmental Quality, Air Quality	39112	R307-203	5YR	02/05/2015	2015-5/104
<u>fugitive dust</u>					
Environmental Quality, Air Quality	39121	R307-309	5YR	02/05/2015	2015-5/108
<u>fugitive emissions</u>					
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105
<u>funding</u>					
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>funding formula</u>					
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62
<u>furbearers</u>					
Natural Resources, Wildlife Resources	39509	R657-11	5YR	07/13/2015	2015-15/34
<u>game laws</u>					
Natural Resources, Wildlife Resources	38996	R657-5	AMD	02/09/2015	2015-1/26
	39062	R657-5	AMD	03/16/2015	2015-3/30
	39431	R657-6	5YR	06/08/2015	2015-13/63
	39509	R657-11	5YR	07/13/2015	2015-15/34
	39215	R657-19	AMD	05/08/2015	2015-7/33
	39063	R657-33	AMD	03/16/2015	2015-3/31
	39071	R657-68	AMD	03/16/2015	2015-3/54
	39216	R657-70	NEW	05/08/2015	2015-7/36
	39436	R657-70	AMD	08/07/2015	2015-13/36
<u>general assistance</u>					
Workforce Services, Employment Development	39644	R986-400	5YR	09/03/2015	Not Printed
<u>general license</u>					
Environmental Quality, Radiation Control	39277	R313-12-3	AMD	06/16/2015	2015-9/21
<u>general licenses</u>					
Environmental Quality, Radiation Control	39278	R313-21-22	AMD	08/26/2015	2015-9/34
	39278	R313-21-22	CPR	08/26/2015	2015-14/118
<u>general procurement provisions</u>					
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4
	39327	R33-4	AMD	06/23/2015	2015-10/11
	39472	R33-4	AMD	08/21/2015	2015-14/6
	39523	R33-4	NSC	08/24/2015	Not Printed
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11

RULES INDEX

---

<u>generating equipment</u>						
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107	
<u>geothermal steam</u>						
School and Institutional Trust Lands, Administration	39256	R850-27	5YR	04/01/2015	2015-8/40	
<u>government documents</u>						
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7	
	39401	R35-2	AMD	07/31/2015	2015-11/9	
	39402	R35-4	AMD	07/31/2015	2015-11/10	
	39403	R35-5	AMD	07/31/2015	2015-11/11	
	39404	R35-6	AMD	07/31/2015	2015-11/12	
<u>government ethics</u>						
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>government hearings</u>						
Administrative Services, Administrative Rules	39726	R15-1	5YR	09/11/2015	Not Printed	
Commerce, Administration	39144	R151-4-109	AMD	04/10/2015	2015-5/9	
Pardons (Board Of), Administration	39547	R671-205	NSC	08/17/2015	Not Printed	
	39137	R671-305-1	AMD	04/07/2015	2015-5/91	
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19	
	39235	R746-100-11	AMD	05/27/2015	2015-8/21	
<u>government purchasing</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	
	39327	R33-4	AMD	06/23/2015	2015-10/11	
	39472	R33-4	AMD	08/21/2015	2015-14/6	
	39523	R33-4	NSC	08/24/2015	Not Printed	
	38975	R33-6-101	AMD	01/28/2015	2014-24/5	
	39366	R33-6-109	AMD	07/09/2015	2015-11/5	
	38976	R33-7	AMD	01/28/2015	2014-24/6	
	39513	R33-7	NSC	07/30/2015	Not Printed	
	39365	R33-7-702	AMD	07/09/2015	2015-11/6	
	39432	R33-7-702	AMD	08/07/2015	2015-13/6	
	39328	R33-8	AMD	06/23/2015	2015-10/15	
	39470	R33-16	AMD	08/21/2015	2015-14/9	
	38978	R33-16-401	AMD	01/28/2015	2014-24/12	
	39271	R33-26	AMD	06/10/2015	2015-9/4	
	39042	R33-26-202	AMD	03/31/2015	2015-2/33	
	39454	R33-26-202	AMD	08/21/2015	2015-14/11	
<u>grading system</u>						
Education, Administration	39007	R277-497	AMD	02/09/2015	2015-1/11	
	39581	R277-497	5YR	08/13/2015	2015-17/103	
<u>graduation requirements</u>						
Education, Administration	39494	R277-700	AMD	08/26/2015	2015-14/59	
<u>grant applications</u>						
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41	
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41	
<u>grant prioritizations</u>						
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41	
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41	
<u>grants</u>						
Education, Administration	39376	R277-490	AMD	07/08/2015	2015-11/72	
	39582	R277-498	5YR	08/13/2015	2015-17/103	
Heritage and Arts, Arts and Museums	39096	R451-3	EXD	01/28/2015	2015-4/41	
Heritage and Arts, Library	39097	R458-3	EXD	01/28/2015	2015-4/41	
Workforce Services, Housing and Community Development	39085	R990-8	AMD	03/10/2015	2015-3/58	

<u>gravel</u>						
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38	
<u>greenhouse gases</u>						
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16	
<u>grievance procedures</u>						
Human Services, Administration	39325	R495-878	R&R	06/22/2015	2015-10/68	
	39480	R495-878	AMD	08/25/2015	2015-14/101	
<u>grievances</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>guardianship</u>						
Human Services, Child and Family Services	39537	R512-308	5YR	07/22/2015	2015-16/84	
<u>gun locks</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100	
<u>halfway houses</u>						
Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80	
	39060	R251-303	5YR	01/08/2015	2015-3/70	
	39610	R251-303	5YR	08/24/2015	2015-18/134	
<u>hardship grants</u>						
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72	
<u>Hatch Act</u>						
Human Resource Management, Administration	39321	R477-9-4	NSC	05/11/2015	Not Printed	
<u>hazardous air pollutant</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>hazardous waste</u>						
Environmental Quality, Solid and Hazardous Waste	39302	R315-15-1	NSC	05/11/2015	Not Printed	
	39303	R315-15-3	NSC	05/06/2015	Not Printed	
	39304	R315-15-5	NSC	05/11/2015	Not Printed	
	39307	R315-15-6	NSC	05/11/2015	Not Printed	
	39308	R315-15-13	NSC	05/11/2015	Not Printed	
<u>health</u>						
Health, Center for Health Data, Health Care Statistics	39405	R428-2	AMD	07/30/2015	2015-11/112	
<u>health care facilities</u>						
Health, Family Health and Preparedness, Licensing	39464	R432-2	AMD	08/21/2015	2015-14/97	
	38982	R432-2-6	AMD	02/06/2015	2014-24/33	
	38954	R432-35	AMD	01/27/2015	2014-23/23	
	39232	R432-725	AMD	06/02/2015	2015-7/27	
<u>health care professionals</u>						
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55	
<u>health effects</u>						
Environmental Quality, Drinking Water	39204	R309-220	5YR	03/13/2015	2015-7/62	
<u>health insurance</u>						
Environmental Quality, Administration	39135	R305-5	5YR	02/09/2015	2015-5/101	
Insurance, Administration	39398	R590-199	5YR	05/15/2015	2015-11/187	
<u>health planning</u>						
Health, Center for Health Data, Health Care Statistics	39405	R428-2	AMD	07/30/2015	2015-11/112	
<u>health policy</u>						
Health, Center for Health Data, Health Care Statistics	39405	R428-2	AMD	07/30/2015	2015-11/112	

RULES INDEX

hearing aids

Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed
Health, Family Health and Preparedness, Children with Special Health Care Needs	39451	R398-3	AMD	08/21/2015	2015-14/68

hearing impaired

Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
---	-------	----------	-----	------------	-------------

hearing instrument intern

Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed

hearing instrument specialist

Commerce, Occupational and Professional Licensing	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed

hearings

Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
	39384	R277-202	NEW	07/08/2015	2015-11/41
Environmental Quality, Air Quality	39109	R307-103	5YR	02/05/2015	2015-5/101
Environmental Quality, Drinking Water	39199	R309-115	5YR	03/13/2015	2015-7/59
Environmental Quality, Radiation Control	38770	R313-17-4	AMD	02/17/2015	2014-17/95
	38770	R313-17-4	CPR	02/17/2015	2014-24/40
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20
	39544	R671-204	EMR	07/27/2015	2015-16/77
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42
	39390	R686-101	REP	07/08/2015	2015-11/139
	39222	R686-101-14	AMD	05/08/2015	2015-7/43
	39391	R686-102	REP	07/08/2015	2015-11/146
School and Institutional Trust Fund Board of Trustees, Administration	39143	R849-1	NEW	04/15/2015	2015-5/92

HEAT

Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56
------------------------------------	-------	------------	-----	------------	------------

heavy duty vehicles

Environmental Quality, Air Quality	39354	R307-122	NEW	09/03/2015	2015-11/89
------------------------------------	-------	----------	-----	------------	------------

hemp

Agriculture and Food, Plant Industry	39148	R68-22	NEW	04/22/2015	2015-6/14
--------------------------------------	-------	--------	-----	------------	-----------

high quality ground water

Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65
---------------------------------------	-------	----------	-----	------------	-----------

higher education

Regents (Board Of), Administration	39010	R765-571	NEW	04/28/2015	2015-1/39
	39157	R765-609	5YR	02/25/2015	2015-6/48
	39023	R765-611	NEW	02/25/2015	2015-2/101
	39605	R765-649	5YR	08/18/2015	2015-18/135

highways

Transportation, Operations, Construction	39100	R916-3	AMD	03/27/2015	2015-4/23
	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26
	39506	R916-4	5YR	07/09/2015	2015-15/34
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145

hiring practices

Human Resource Management, Administration	39317	R477-4	AMD	07/01/2015	2015-10/48
---	-------	--------	-----	------------	------------



<u>historic preservation</u>						
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed	
	39426	R865-9I-37	NSC	06/24/2015	Not Printed	
<u>holidays</u>						
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56	
<u>home care services</u>						
Human Services, Aging and Adult Services	39269	R510-400	AMD	06/30/2015	2015-9/64	
<u>Honoring Heroes Restricted Account</u>						
Public Safety, Administration	39549	R698-6	5YR	07/29/2015	2015-16/84	
<u>hospitals</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32	
<u>hostile work environment</u>						
Human Resource Management, Administration	39322	R477-15	AMD	07/01/2015	2015-10/65	
	39323	R477-16	NEW	07/01/2015	2015-10/67	
<u>hourly child care centers</u>						
Health, Child Care Center Licensing Committee	39130	R381-60	NEW	05/01/2015	2015-5/16	
Health, Family Health and Preparedness, Child Care Licensing	39127	R430-60	REP	05/01/2015	2015-5/56	
<u>human services</u>						
Human Services, Administration, Administrative Services, Licensing	39334	R501-1	AMD	07/01/2015	2015-10/72	
	39333	R501-4	REP	06/29/2015	2015-10/76	
	39358	R501-12	EMR	05/12/2015	2015-11/178	
	39638	R501-12	EMR	09/04/2015	Not Printed	
	39258	R501-19	5YR	04/01/2015	2015-8/34	
	39259	R501-20	5YR	04/01/2015	2015-8/35	
	39260	R501-21	5YR	04/01/2015	2015-8/35	
	39257	R501-22	5YR	04/01/2015	2015-8/36	
<u>hunter education</u>						
Natural Resources, Wildlife Resources	39071	R657-68	AMD	03/16/2015	2015-3/54	
<u>hunting</u>						
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39	
<u>hunting guides</u>						
Commerce, Occupational and Professional Licensing	39350	R156-79	AMD	07/09/2015	2015-11/29	
<u>hydraulic modeling</u>						
Environmental Quality, Drinking Water	39187	R309-511	5YR	03/13/2015	2015-7/66	
<u>hydropneumatic systems</u>						
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69	
<u>identification card</u>						
Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79	
<u>illegal drug operation</u>						
Health, Disease Control and Prevention, Environmental Services	39159	R392-600	EXD	02/26/2015	2015-6/49	
<u>illegal drug operations</u>						
Health, Disease Control and Prevention, Environmental Services	39161	R392-600	NEW	05/01/2015	2015-6/27	
<u>immunization data reporting</u>						
Health, Disease Control and Prevention, Epidemiology	39108	R386-800	5YR	02/05/2015	2015-5/111	

RULES INDEX

---

<u>immunizations</u> Health, Disease Control and Prevention, Immunization	39171	R396-100	NSC	03/24/2015	Not Printed
<u>implements of husbandry</u> Transportation, Motor Carrier	39172 39479	R909-1 R909-1	EMR AMD	03/06/2015 08/24/2015	2015-7/53 2015-14/106
<u>import requirements</u> Agriculture and Food, Animal Industry	39423	R58-1	AMD	08/12/2015	2015-13/7
<u>import restrictions</u> Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
<u>impound fee reimbursement</u> Public Safety, Driver License	39003	R708-50	NEW	02/09/2015	2015-1/38
<u>improper attempts to influence</u> Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>incentives</u> Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55
<u>income</u> Health, Health Care Financing, Coverage and Reimbursement Policy	39484	R414-304	AMD	09/01/2015	2015-14/77
<u>income tax</u> Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed
<u>independent contractor</u> Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40
<u>Indian affairs</u> Heritage and Arts, Indian Affairs	39721	R456-1	EXT	09/09/2015	Not Printed
<u>individual home booster pumps</u> Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69
<u>industry</u> Environmental Quality, Radiation Control	39017 39017 39276	R313-35 R313-35 R313-36-3	AMD CPR AMD	05/22/2015 05/22/2015 06/16/2015	2015-2/89 2015-8/30 2015-9/52
<u>information technology for users with disabilities</u> Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>injury</u> Health, Disease Control and Prevention, Epidemiology	39170	R386-703	AMD	05/15/2015	2015-7/24
<u>inmate transportation</u> Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32
<u>inmates</u> Pardons (Board Of), Administration	39093 39107	R671-201 R671-303-1	AMD AMD	03/24/2015 04/07/2015	2015-4/20 2015-5/90
<u>innovation</u> Governor, Economic Development	38944 39534	R357-11 R357-11	NEW NSC	03/23/2015 08/17/2015	2014-23/14 Not Printed
<u>inspections</u> Agriculture and Food, Animal Industry Agriculture and Food, Regulatory Services	39424 39562	R58-22 R70-910	AMD 5YR	08/12/2015 08/05/2015	2015-13/15 2015-17/99

	39563	R70-950	5YR	08/05/2015	2015-17/99
<u>Institutional Review Board</u>					
Human Services, Administration	39270	R495-820	NEW	06/18/2015	2015-9/57
<u>insurance</u>					
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51
Insurance, Administration	39147	R590-140	5YR	02/18/2015	2015-6/46
	39443	R590-162-3	AMD	08/26/2015	2015-13/26
	39030	R590-173	NSC	01/15/2015	Not Printed
	39650	R590-258	5YR	09/04/2015	Not Printed
	39103	R590-271	NEW	06/22/2015	2015-4/19
	39103	R590-271	CPR	06/22/2015	2015-10/98
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113
<u>insurance companies</u>					
Insurance, Administration	39444	R590-198-5	AMD	08/26/2015	2015-13/27
	39444	R590-198-5	CPR	08/26/2015	2015-14/133
<u>insurance continuing education</u>					
Insurance, Administration	38934	R590-142	AMD	01/12/2015	2014-23/25
<u>insurance internet portal</u>					
Insurance, Administration	39175	R590-256	5YR	03/10/2015	2015-7/75
<u>insurance law</u>					
Insurance, Administration	39651	R590-130	5YR	09/04/2015	Not Printed
	39029	R590-130-7	NSC	01/15/2015	Not Printed
	39174	R590-164	5YR	03/10/2015	2015-7/74
	39038	R590-194	NSC	01/15/2015	Not Printed
<u>insurance licensing requirements</u>					
Insurance, Administration	38935	R590-244	AMD	01/12/2015	2014-23/31
<u>interconnection</u>					
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107
<u>interest buy-downs</u>					
Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72
<u>internal operating procedures</u>					
Judicial Performance Evaluation Commission, Administration	39268	R597-2	5YR	04/13/2015	2015-9/85
<u>internet facilitators</u>					
Commerce, Occupational and Professional Licensing	39298	R156-83	5YR	04/23/2015	2015-10/102
<u>interpreters</u>					
Education, Rehabilitation	38930	R280-203	AMD	01/02/2015	2014-22/22
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>investigations</u>					
Human Services, Administration	39469	R495-890	5YR	06/29/2015	2015-14/142
Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
<u>investment advisers</u>					
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191
	39348	R628-15	EMR	05/06/2015	2015-11/180
	39396	R628-15	NEW	07/13/2015	2015-11/126
<u>iron and manganese control</u>					
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69
<u>irradiators</u>					
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87

RULES INDEX

---

<u>IT planning</u>						
Technology Services, Administration	39026	R895-6	AMD	05/05/2015	2015-2/104	
<u>jail reimbursement</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75	
	39344	R356-1	EXD	05/05/2015	2015-11/191	
<u>job creation</u>						
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed	
<u>job descriptions</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>jobs</u>						
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12	
	39528	R357-3	NSC	08/17/2015	Not Printed	
<u>judges</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39466	R356-101	5YR	06/26/2015	2015-14/142	
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>Judicial Conduct Commission</u>						
Judicial Conduct Commission, Administration	39048	R595-1	5YR	01/02/2015	2015-3/71	
	39049	R595-2	5YR	01/02/2015	2015-3/72	
	39050	R595-3	5YR	01/02/2015	2015-3/72	
	39051	R595-4	5YR	01/02/2015	2015-3/73	
<u>judicial nominating commissions</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39466	R356-101	5YR	06/26/2015	2015-14/142	
<u>judicial performance evaluations</u>						
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13	
	39243	R597-3-3	AMD	05/27/2015	2015-8/15	
<u>kinship</u>						
Human Services, Child and Family Services	39499	R512-500	AMD	09/08/2015	2015-15/16	
<u>land exchange</u>						
School and Institutional Trust Lands, Administration	39295	R850-90	NSC	05/11/2015	Not Printed	
<u>land managers</u>						
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104	
<u>landowner permits</u>						
Natural Resources, Wildlife Resources	38995	R657-43	AMD	02/09/2015	2015-1/33	
<u>lead-based paint</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>lead-based paint abatement</u>						
Environmental Quality, Air Quality	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>lead-based paint renovation</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
<u>lease operations</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	

lease provisions

School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37
	39251	R850-22	5YR	04/01/2015	2015-8/37
	39254	R850-25	5YR	04/01/2015	2015-8/39
	39255	R850-26	5YR	04/01/2015	2015-8/39
	39256	R850-27	5YR	04/01/2015	2015-8/40

leave benefits

Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56
---	-------	--------	-----	------------	------------

liability

Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113
---	-------	----------	-----	------------	------------

license

Environmental Quality, Radiation Control	39280	R313-19-13	AMD	08/26/2015	2015-9/27
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39410	R722-330	AMD	07/22/2015	2015-12/27

license certificate

Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
-------------------------------	-------	---------	-----	------------	-----------

license reinstatement

Education, Administration	39385	R277-203	NEW	07/08/2015	2015-11/47
---------------------------	-------	----------	-----	------------	------------

licenses

Education, Administration	39371	R277-520	5YR	05/15/2015	2015-11/185
	39379	R277-520	AMD	07/08/2015	2015-11/80
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39058	R722-330	5YR	01/07/2015	2015-3/74

licensing

Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69
	39018	R156-17b	AMD	02/24/2015	2015-2/51
	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20
	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9
	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
	39233	R156-28-304	AMD	05/27/2015	2015-8/6
	39132	R156-31b	AMD	04/07/2015	2015-5/10
	39615	R156-31b-103	NSC	09/11/2015	Not Printed
	38981	R156-31b-202	AMD	01/22/2015	2014-24/13
	38980	R156-31b-609	AMD	01/22/2015	2014-24/14
	39015	R156-37	AMD	02/24/2015	2015-2/80
	39020	R156-37f-102	AMD	02/24/2015	2015-2/84
	39176	R156-44a-609	AMD	05/11/2015	2015-7/2
	39428	R156-46a-502d	AMD	08/17/2015	2015-13/21
	39604	R156-46a-502d	NSC	09/11/2015	Not Printed
	38915	R156-47b	AMD	04/21/2015	2014-22/16
	38915	R156-47b	CPR	04/21/2015	2015-6/42
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7
	39737	R156-50	5YR	09/14/2015	Not Printed
	39736	R156-55e	5YR	09/14/2015	Not Printed
	38979	R156-60a	AMD	01/22/2015	2014-24/15
	38964	R156-60d	AMD	01/22/2015	2014-24/17
	38957	R156-61	AMD	06/15/2015	2014-24/19
	38957	R156-61	CPR	06/15/2015	2015-9/80
	39293	R156-63a	AMD	06/22/2015	2015-10/22
	39368	R156-63a	AMD	07/23/2015	2015-11/22
	39294	R156-63b	AMD	06/22/2015	2015-10/24
	39369	R156-63b	AMD	07/23/2015	2015-11/25
	39177	R156-70a-302	AMD	05/27/2015	2015-7/3
	39151	R156-71-202	AMD	04/21/2015	2015-6/25
	39343	R156-72-102	AMD	07/09/2015	2015-11/28
	39350	R156-79	AMD	07/09/2015	2015-11/29
	39298	R156-83	5YR	04/23/2015	2015-10/102

RULES INDEX

Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33
	39477	R162-2c	AMD	09/04/2015	2015-14/26
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8
Environmental Quality, Radiation Control Human Services, Administration, Administrative Services, Licensing	39276	R313-36-3	AMD	06/16/2015	2015-9/52
	39334	R501-1	AMD	07/01/2015	2015-10/72
	39333	R501-4	REP	06/29/2015	2015-10/76
	39358	R501-12	EMR	05/12/2015	2015-11/178
	39638	R501-12	EMR	09/04/2015	Not Printed
	39258	R501-19	5YR	04/01/2015	2015-8/34
	39259	R501-20	5YR	04/01/2015	2015-8/35
	39260	R501-21	5YR	04/01/2015	2015-8/35
	39257	R501-22	5YR	04/01/2015	2015-8/36
<u>licensure</u> Professional Practices Advisory Commission, Administration	39391	R686-102	REP	07/08/2015	2015-11/146
<u>life insurance filings</u> Insurance, Administration	39031	R590-226-14	NSC	01/15/2015	Not Printed
<u>life sciences</u> Governor, Economic Development	39531	R357-6	NSC	08/17/2015	Not Printed
<u>lifeline rates</u> Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>limited-term license certificate</u> Public Safety, Driver License	39182	R708-41	5YR	03/10/2015	2015-7/79
<u>litigation support</u> Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34
	39099	R105-1	AMD	03/26/2015	2015-4/4
	39363	R105-1	EMR	05/12/2015	2015-11/171
	39364	R105-1	AMD	07/13/2015	2015-11/13
<u>livestock</u> Agriculture and Food, Animal Industry	39075	R58-7	5YR	01/13/2015	2015-3/67
	39073	R58-11	5YR	01/13/2015	2015-3/67
	39559	R657-24	5YR	08/03/2015	2015-17/105
<u>loan origination</u> Commerce, Real Estate	39249	R162-2c	5YR	03/31/2015	2015-8/33
	39477	R162-2c	AMD	09/04/2015	2015-14/26
	38999	R162-2c-201	AMD	02/10/2015	2015-1/8
<u>loans</u> Environmental Quality, Drinking Water	39210	R309-700	5YR	03/13/2015	2015-7/72
	39211	R309-705	5YR	03/13/2015	2015-7/72
<u>lobbyist registration</u> Lieutenant Governor, Elections	39457	R623-1-4	AMD	08/24/2015	2015-14/103
<u>lobbyists</u> Lieutenant Governor, Elections	39457	R623-1-4	AMD	08/24/2015	2015-14/103
<u>local governments</u> Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
<u>local health departments</u> Health, Administration	39173	R380-40	5YR	03/06/2015	2015-7/74
<u>long-term care alternatives</u> Human Services, Aging and Adult Services	39269	R510-400	AMD	06/30/2015	2015-9/64

<u>long-term care ombudsman</u>						
Human Services, Aging and Adult Services	39272	R510-100	AMD	06/30/2015	2015-9/62	
<u>low quality ground water</u>						
Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65	
<u>MACT</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>MAGI-based</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>maintenance</u>						
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42	
	39150	R918-7	AMD	04/23/2015	2015-6/36	
Transportation, Operations, Traffic and Safety	39433	R920-8	NEW	08/07/2015	2015-13/54	
<u>mammography</u>						
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85	
<u>massage apprentice</u>						
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
<u>massage therapist</u>						
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
<u>massage therapy</u>						
Commerce, Occupational and Professional Licensing	38915	R156-47b	AMD	04/21/2015	2014-22/16	
	38915	R156-47b	CPR	04/21/2015	2015-6/42	
	39238	R156-47b-302a	AMD	05/28/2015	2015-8/7	
<u>match requirements</u>						
Human Services, Administration	39361	R495-861	AMD	07/16/2015	2015-11/116	
<u>material permits</u>						
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38	
<u>math teaching training</u>						
Education, Administration	39582	R277-498	5YR	08/13/2015	2015-17/103	
<u>measures</u>						
Agriculture and Food, Regulatory Services	39563	R70-950	5YR	08/05/2015	2015-17/99	
<u>meat inspections</u>						
Agriculture and Food, Animal Industry	39616	R58-13	EMR	08/25/2015	2015-18/131	
<u>Medicaid</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39040	R414-1-5	AMD	03/02/2015	2015-2/90	
	39248	R414-1-5	AMD	06/01/2015	2015-8/8	
	39341	R414-1B	AMD	07/01/2015	2015-10/32	
	39087	R414-6	REP	03/24/2015	2015-4/18	
	38952	R414-11	AMD	01/13/2015	2014-23/22	
	39142	R414-14A	AMD	04/07/2015	2015-5/53	
	39005	R414-19A	AMD	02/18/2015	2015-1/24	
	39264	R414-19A	5YR	04/07/2015	2015-9/84	
	39377	R414-33D	5YR	05/15/2015	2015-11/186	
	39131	R414-38	AMD	04/07/2015	2015-5/54	
	39515	R414-40	5YR	07/16/2015	2015-16/81	
	39356	R414-52	AMD	07/16/2015	2015-11/110	
	39357	R414-53	AMD	07/16/2015	2015-11/111	

RULES INDEX

---

	39516	R414-59	5YR	07/16/2015	2015-16/81
	39483	R414-302-8	AMD	09/01/2015	2015-14/76
	39145	R414-309	5YR	02/18/2015	2015-6/45
	38984	R414-310-7	AMD	02/01/2015	2014-24/32
	39299	R414-401-3	AMD	07/01/2015	2015-10/37
	39517	R414-506	5YR	07/16/2015	2015-16/82
	39332	R414-507	NEW	07/01/2015	2015-10/38
<u>medical records</u>					
Corrections, Administration	39541	R251-102	5YR	07/23/2015	2015-16/79
<u>medical transportation</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16
<u>medical use advisory committee</u>					
Environmental Quality, Radiation Control	39283	R313-27	NEW	07/09/2015	2015-9/51
<u>medical use of radiation</u>					
Environmental Quality, Radiation Control	39283	R313-27	NEW	07/09/2015	2015-9/51
<u>membrane technology</u>					
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68
<u>mental health</u>					
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80
<u>meth lab contractor certification</u>					
Environmental Quality, Environmental Response and Remediation	39146	R311-500	5YR	02/18/2015	2015-6/45
<u>methamphetamine decontamination</u>					
Health, Disease Control and Prevention, Environmental Services	39159	R392-600	EXD	02/26/2015	2015-6/49
	39161	R392-600	NEW	05/01/2015	2015-6/27
<u>midwifery</u>					
Commerce, Occupational and Professional Licensing	39176	R156-44a-609	AMD	05/11/2015	2015-7/2
<u>migratory birds</u>					
Natural Resources, Wildlife Resources	39435	R657-9	AMD	08/07/2015	2015-13/29
<u>mineral classification</u>					
School and Institutional Trust Lands, Administration	39254	R850-25	5YR	04/01/2015	2015-8/39
<u>mineral leases</u>					
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38
<u>mineral resources</u>					
School and Institutional Trust Lands, Administration	39253	R850-24	5YR	04/01/2015	2015-8/38
<u>minimum sizing</u>					
Environmental Quality, Drinking Water	39186	R309-510	5YR	03/13/2015	2015-7/66
	39399	R309-510	AMD	07/15/2015	2015-11/92
<u>mining</u>					
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105
<u>minors</u>					
Commerce, Consumer Protection	39282	R152-39	5YR	04/15/2015	2015-9/83
<u>miscellaneous treatment</u>					
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69
<u>mobility vehicle permits</u>					
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97



<u>mobility vehicles</u>						
Public Safety, Driver License	39043	R708-51	NEW	02/25/2015	2015-2/97	
<u>monitoring</u>						
Environmental Quality, Radiation Control	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>motion picture</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
<u>motor vehicle record</u>						
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77	
<u>motor vehicles</u>						
Commerce, Administration	39034	R151-14-3	AMD	02/24/2015	2015-2/49	
Environmental Quality, Air Quality	39353	R307-121	AMD	09/03/2015	2015-11/86	
<u>multiple stage bidding</u>						
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5	
	39366	R33-6-109	AMD	07/09/2015	2015-11/5	
<u>municipalities</u>						
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24	
<u>mutual funds</u>						
Commerce, Securities	38926	R164-15-2	AMD	03/10/2015	2014-22/20	
<u>Native American remains</u>						
Heritage and Arts, Indian Affairs	39721	R456-1	EXT	09/09/2015	Not Printed	
<u>naturopathic physician</u>						
Commerce, Occupational and Professional Licensing	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
<u>naturopaths</u>						
Commerce, Occupational and Professional Licensing	39151	R156-71-202	AMD	04/21/2015	2015-6/25	
<u>NESHAP</u>						
Environmental Quality, Air Quality	39169	R307-214	AMD	06/04/2015	2015-7/19	
<u>new market tax credit</u>						
Governor, Economic Development	39346	R357-10	NEW	07/08/2015	2015-11/105	
<u>new source review</u>						
Environmental Quality, Air Quality	39168	R307-210	AMD	06/04/2015	2015-7/17	
<u>new state revenue</u>						
Governor, Economic Development	39530	R357-5	NSC	08/17/2015	Not Printed	
	39531	R357-6	NSC	08/17/2015	Not Printed	
<u>newborn screening</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	39054	R398-1	AMD	06/01/2015	2015-3/26	
<u>noncompliance</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	
<u>nonpublic schools</u>						
Education, Administration	39485	R277-410	5YR	07/01/2015	2015-14/140	
	39490	R277-410	AMD	08/26/2015	2015-14/43	
<u>nontraditional learning programs</u>						
Education, Administration	39373	R277-418	NEW	07/08/2015	2015-11/57	
<u>notification</u>						
Corrections, Administration	39608	R251-110	5YR	08/21/2015	2015-18/134	

RULES INDEX

---

notification requirements

Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25

nurseries (agriculture)

Agriculture and Food, Plant Industry	39548	R68-6	5YR	07/29/2015	2015-16/79
--------------------------------------	-------	-------	-----	------------	------------

nurses

Commerce, Occupational and Professional Licensing	39132	R156-31b	AMD	04/07/2015	2015-5/10
	39615	R156-31b-103	NSC	09/11/2015	Not Printed
	38981	R156-31b-202	AMD	01/22/2015	2014-24/13
	38980	R156-31b-609	AMD	01/22/2015	2014-24/14

nursing facility

Health, Health Care Financing, Coverage and Reimbursement Policy	39299	R414-401-3	AMD	07/01/2015	2015-10/37
--	-------	------------	-----	------------	------------

offender employment

Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
-----------------------------	-------	----------	-----	------------	------------

OHV education standards

Natural Resources, Parks and Recreation	39088	R651-412	5YR	01/22/2015	2015-4/38
---	-------	----------	-----	------------	-----------

oil and gas law

Natural Resources, Oil, Gas and Mining; Oil and Gas	39028	R649-3	AMD	02/26/2015	2015-2/95
---	-------	--------	-----	------------	-----------

oil gas and hydrocarbons

School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37
--	-------	---------	-----	------------	-----------

oil shale

School and Institutional Trust Lands, Administration	39251	R850-22	5YR	04/01/2015	2015-8/37
--	-------	---------	-----	------------	-----------

ombudsman

Human Services, Child Protection Ombudsman (Office of)	39478	R515-1	5YR	06/30/2015	2015-14/143
--	-------	--------	-----	------------	-------------

online prescribing

Commerce, Occupational and Professional Licensing	39298	R156-83	5YR	04/23/2015	2015-10/102
---	-------	---------	-----	------------	-------------

onsite wastewater systems

Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111
--------------------------------------	-------	--------	-----	------------	------------

open and public meetings

Governor, Economic Development	39510	R357-14	NEW	09/10/2015	2015-15/13
--------------------------------	-------	---------	-----	------------	------------

open burning

Environmental Quality, Air Quality	39113	R307-202	5YR	02/05/2015	2015-5/103
------------------------------------	-------	----------	-----	------------	------------

open government

Administrative Services, Administrative Rules	39727	R15-2	5YR	09/11/2015	Not Printed
---	-------	-------	-----	------------	-------------

opening and closing dates

Workforce Services, Administration	39441	R982-402-8	AMD	08/11/2015	2015-13/56
------------------------------------	-------	------------	-----	------------	------------

operation and maintenance

Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67
---------------------------------------	-------	----------	-----	------------	-----------

operation and maintenance requirements

Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16
	39076	R309-500	CPR	07/15/2015	2015-11/166

operational requirements

Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25

<u>operations</u>						
School and Institutional Trust Lands, Administration	39250	R850-21	5YR	04/01/2015	2015-8/37	
<u>operator certification</u>						
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10	
<u>optometry</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39356	R414-52	AMD	07/16/2015	2015-11/110	
<u>organ transplants</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	39133	R398-30	NEW	04/20/2015	2015-5/49	
Health, Health Care Financing, Coverage and Reimbursement Policy	39134	R414-10B	REP	04/20/2015	2015-5/51	
<u>out of school time child care programs</u>						
Health, Child Care Center Licensing Committee	39129	R381-70	NEW	05/01/2015	2015-5/25	
Health, Family Health and Preparedness, Child Care Licensing	39126	R430-70	REP	05/01/2015	2015-5/66	
<u>out-of-home care</u>						
Human Services, Child and Family Services	39537	R512-308	5YR	07/22/2015	2015-16/84	
<u>outfitters</u>						
Commerce, Occupational and Professional Licensing	39350	R156-79	AMD	07/09/2015	2015-11/29	
<u>outpatient treatment programs</u>						
Human Services, Administration, Administrative Services, Licensing	39260	R501-21	5YR	04/01/2015	2015-8/35	
<u>outside counsel</u>						
Attorney General, Administration	39032	R105-1	AMD	03/26/2015	2015-2/34	
	39099	R105-1	AMD	03/26/2015	2015-4/4	
	39363	R105-1	EMR	05/12/2015	2015-11/171	
	39364	R105-1	AMD	07/13/2015	2015-11/13	
<u>overflow and drains</u>						
Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70	
<u>overtime</u>						
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64	
<u>ozone</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
<u>paint</u>						
Environmental Quality, Air Quality	39123	R307-841	5YR	02/05/2015	2015-5/109	
	39124	R307-842	5YR	02/05/2015	2015-5/110	
<u>parades</u>						
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33	
<u>parent/guardian</u>						
Education, Administration	39079	R277-468	NEW	03/10/2015	2015-3/14	
<u>parking facilities</u>						
Regents (Board Of), University of Utah, Commuter Services	39224	R810-1	AMD	05/19/2015	2015-7/44	
	39225	R810-2	AMD	05/19/2015	2015-7/46	
	39226	R810-5	AMD	05/19/2015	2015-7/47	
	39227	R810-6	AMD	05/19/2015	2015-7/48	
	39228	R810-8	AMD	05/19/2015	2015-7/49	
	39229	R810-9	AMD	05/19/2015	2015-7/50	
	39230	R810-10	AMD	05/19/2015	2015-7/50	

RULES INDEX

	39231	R810-11	AMD	05/19/2015	2015-7/51
<u>Parkinson's disease</u>					
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24
<u>parks</u>					
Natural Resources, Parks and Recreation	39140	R651-409	5YR	02/12/2015	2015-5/113
	39088	R651-412	5YR	01/22/2015	2015-4/38
	39497	R651-602	AMD	08/28/2015	2015-14/105
	39089	R651-634	5YR	01/22/2015	2015-4/39
	39141	R651-635	5YR	02/12/2015	2015-5/113
<u>parole</u>					
Pardons (Board Of), Administration	39093	R671-201	AMD	03/24/2015	2015-4/20
	39544	R671-204	EMR	07/27/2015	2015-16/77
	39420	R671-205	AMD	08/11/2015	2015-13/43
	39547	R671-205	NSC	08/17/2015	Not Printed
	39107	R671-303-1	AMD	04/07/2015	2015-5/90
<u>particulate</u>					
Environmental Quality, Air Quality	39120	R307-307	5YR	02/05/2015	2015-5/108
<u>particulate matter</u>					
Environmental Quality, Air Quality	39118	R307-305	5YR	02/05/2015	2015-5/107
<u>partnering</u>					
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
<u>past-due support</u>					
Human Services, Recovery Services	39262	R527-254	NEW	06/09/2015	2015-9/74
<u>patriotic education</u>					
Education, Administration	39338	R277-475	5YR	05/01/2015	2015-10/105
	39288	R277-475	AMD	06/08/2015	2015-9/16
<u>payers</u>					
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed
<u>pedestrians</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>peer review</u>					
Commerce, Occupational and Professional Licensing	39055	R156-26a-501	AMD	04/02/2015	2015-3/7
<u>penalties</u>					
Environmental Quality, Drinking Water	39208	R309-400	5YR	03/13/2015	2015-7/64
	39209	R309-405	5YR	03/13/2015	2015-7/64
<u>per diem allowances</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
<u>performance standards</u>					
Health, Administration	39173	R380-40	5YR	03/06/2015	2015-7/74
<u>permit provisions</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>permit terms</u>					
School and Institutional Trust Lands, Administration	39254	R850-25	5YR	04/01/2015	2015-8/39
<u>permits</u>					
Environmental Quality, Air Quality	38901	R307-401-19	AMD	02/05/2015	2014-21/16
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16

	39076	R309-500	CPR	07/15/2015	2015-11/166
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88
Natural Resources, Wildlife Resources	39066	R657-42	AMD	03/16/2015	2015-3/42
	39068	R657-57	AMD	03/16/2015	2015-3/48
	39070	R657-62	AMD	03/16/2015	2015-3/52
<u>personnel files</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	39245	R606-6	5YR	03/30/2015	2015-8/36
<u>personnel management</u>					
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39
	39318	R477-6	AMD	07/01/2015	2015-10/51
	39321	R477-9-4	NSC	05/11/2015	Not Printed
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69
	39018	R156-17b	AMD	02/24/2015	2015-2/51
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	39056	R156-17b	5YR	01/05/2015	2015-3/69
	39018	R156-17b	AMD	02/24/2015	2015-2/51
<u>physical therapist assistants</u>					
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9
<u>physical therapists</u>					
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9
<u>physical therapy</u>					
Commerce, Occupational and Professional Licensing	39092	R156-24b-302b	AMD	03/24/2015	2015-4/9
<u>physician assistants</u>					
Commerce, Occupational and Professional Licensing	39177	R156-70a-302	AMD	05/27/2015	2015-7/3
<u>physicians</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187
Health, Health Care Financing, Coverage and Reimbursement Policy	39341	R414-1B	AMD	07/01/2015	2015-10/32
Public Safety, Driver License	39072	R708-7	AMD	03/10/2015	2015-3/55
<u>plan of operations</u>					
School and Institutional Trust Lands, Administration	39255	R850-26	5YR	04/01/2015	2015-8/39
	39256	R850-27	5YR	04/01/2015	2015-8/40
<u>plan review</u>					
Environmental Quality, Drinking Water	39184	R309-500	5YR	03/13/2015	2015-7/65
	39076	R309-500	AMD	07/15/2015	2015-3/16
	39076	R309-500	CPR	07/15/2015	2015-11/166
<u>plant diseases</u>					
Agriculture and Food, Plant Industry	39507	R68-10	5YR	07/10/2015	2015-15/31
	39408	R68-12	5YR	05/21/2015	2015-12/33
<u>plants</u>					
School and Institutional Trust Lands, Administration	39309	R850-150	NEW	06/22/2015	2015-10/92
<u>PM10</u>					
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14
	39166	R307-110-28	AMD	06/04/2015	2015-7/15
	39111	R307-201	5YR	02/05/2015	2015-5/103
	39116	R307-206	5YR	02/05/2015	2015-5/105
	39118	R307-305	5YR	02/05/2015	2015-5/107
	39119	R307-306	5YR	02/05/2015	2015-5/107
	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22

RULES INDEX

---

<u>PM2.5</u>						
Environmental Quality, Air Quality	39167	R307-110-17	AMD	06/04/2015	2015-7/14	
	39166	R307-110-28	AMD	06/04/2015	2015-7/15	
	39118	R307-305	5YR	02/05/2015	2015-5/107	
<u>policy</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>position classifications</u>						
Human Resource Management, Administration	39316	R477-3-1	AMD	07/01/2015	2015-10/47	
<u>poultry</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
<u>precedent</u>						
Commerce, Securities	39300	R164-32	NEW	06/22/2015	2015-10/26	
<u>presumptive eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39413	R414-303-6	AMD	08/01/2015	2015-12/15	
	39165	R414-303-8	AMD	05/08/2015	2015-7/26	
<u>primary care</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38984	R414-310-7	AMD	02/01/2015	2014-24/32	
<u>primary disinfectants</u>						
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67	
<u>prison release</u>						
Pardons (Board Of), Administration	39420	R671-205	AMD	08/11/2015	2015-13/43	
	39547	R671-205	NSC	08/17/2015	Not Printed	
<u>prisons</u>						
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>privacy</u>						
Public Safety, Driver License	39178	R708-36	5YR	03/10/2015	2015-7/77	
<u>private activity bonds</u>						
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53	
<u>private investigators</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39058	R722-330	5YR	01/07/2015	2015-3/74	
	39410	R722-330	AMD	07/22/2015	2015-12/27	
<u>private investigators licenses</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	38947	R722-330	AMD	01/07/2015	2014-23/40	
<u>private probation provider</u>						
Commerce, Occupational and Professional Licensing	39737	R156-50	5YR	09/14/2015	Not Printed	
<u>Private Proposal Program</u>						
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed	
<u>private security officers</u>						
Commerce, Occupational and Professional Licensing	39293	R156-63a	AMD	06/22/2015	2015-10/22	
	39368	R156-63a	AMD	07/23/2015	2015-11/22	
<u>probation</u>						
Commerce, Occupational and Professional Licensing	39737	R156-50	5YR	09/14/2015	Not Printed	

<u>procurement</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
	39061	R23-2	REP	03/16/2015	2015-3/4	
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed	
Regents (Board Of), Administration	39010	R765-571	NEW	04/28/2015	2015-1/39	
<u>procurement rules</u>						
Administrative Services, Purchasing and General Services	39271	R33-26	AMD	06/10/2015	2015-9/4	
	39042	R33-26-202	AMD	03/31/2015	2015-2/33	
	39454	R33-26-202	AMD	08/21/2015	2015-14/11	
<u>professional</u>						
Education, Administration	39290	R277-517-5	AMD	06/08/2015	2015-9/19	
<u>professional competency</u>						
Education, Administration	39378	R277-502	AMD	07/08/2015	2015-11/75	
<u>professional conduct</u>						
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103	
<u>professional education</u>						
Education, Administration	39008	R277-504	AMD	02/09/2015	2015-1/13	
	39219	R277-504	AMD	05/08/2015	2015-7/8	
<u>professional learning</u>						
Education, Administration	39486	R277-500	5YR	07/01/2015	2015-14/141	
	39491	R277-500	AMD	08/26/2015	2015-14/46	
<u>professional practices</u>						
Education, Administration	39382	R277-200	NEW	07/08/2015	2015-11/33	
<u>program</u>						
Capitol Preservation Board (State), Administration	39266	R131-9	EXD	04/08/2015	2015-9/87	
<u>program benefits</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39414	R414-306-2	AMD	08/01/2015	2015-12/16	
<u>programs</u>						
Education, Administration	39335	R277-114	5YR	05/01/2015	2015-10/104	
	39285	R277-114	R&R	06/08/2015	2015-9/10	
<u>property tax</u>						
Auditor, Administration	39136	R123-6	AMD	04/08/2015	2015-5/8	
<u>protests</u>						
Administrative Services, Purchasing and General Services	39470	R33-16	AMD	08/21/2015	2015-14/9	
	38978	R33-16-401	AMD	01/28/2015	2014-24/12	
<u>psychologists</u>						
Commerce, Occupational and Professional Licensing	38957	R156-61	AMD	06/15/2015	2014-24/19	
	38957	R156-61	CPR	06/15/2015	2015-9/80	
<u>public assistance</u>						
Workforce Services, Employment Development	39649	R986-900	5YR	09/03/2015	Not Printed	
<u>public buildings</u>						
Administrative Services, Facilities Construction and Management	39033	R23-1	R&R	03/03/2015	2015-2/4	
Capitol Preservation Board (State), Administration	39025	R131-2	AMD	02/24/2015	2015-2/41	
<u>public information</u>						
Human Resource Management, Administration	39315	R477-2	AMD	07/01/2015	2015-10/44	
Technology Services, Administration	39724	R895-1	5YR	09/11/2015	Not Printed	

RULES INDEX

---

<u>public investments</u>					
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191
	39348	R628-15	EMR	05/06/2015	2015-11/180
	39396	R628-15	NEW	07/13/2015	2015-11/126
<u>public notification</u>					
Environmental Quality, Drinking Water	39204	R309-220	5YR	03/13/2015	2015-7/62
<u>public schools</u>					
Education, Administration	39485	R277-410	5YR	07/01/2015	2015-14/140
	39490	R277-410	AMD	08/26/2015	2015-14/43
	39376	R277-490	AMD	07/08/2015	2015-11/72
<u>public utilities</u>					
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21
	39246	R746-200-7	AMD	05/27/2015	2015-8/22
	39311	R746-312	5YR	04/29/2015	2015-10/107
	39367	R746-360	AMD	07/08/2015	2015-11/155
<u>pumps</u>					
Environmental Quality, Drinking Water	39193	R309-540	5YR	03/13/2015	2015-7/69
<u>pupil accounting</u>					
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58
<u>purchasing</u>					
Governor, Economic Development	39529	R357-4	NSC	08/17/2015	Not Printed
<u>quality control</u>					
Agriculture and Food, Regulatory Services	39223	R70-101	5YR	03/16/2015	2015-7/57
	39407	R70-101	R&R	07/22/2015	2015-12/6
<u>quality standards</u>					
Environmental Quality, Drinking Water	39200	R309-200	5YR	03/13/2015	2015-7/60
<u>quarantines</u>					
Agriculture and Food, Animal Industry	39422	R58-2	AMD	08/12/2015	2015-13/14
<u>rabbits</u>					
Natural Resources, Wildlife Resources	39431	R657-6	5YR	06/08/2015	2015-13/63
<u>racetracks</u>					
Transportation, Operations, Traffic and Safety	39095	R920-4	EMR	01/29/2015	2015-4/33
<u>radiation</u>					
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87
<u>radiation safety</u>					
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87
<u>radioactive material</u>					
Environmental Quality, Radiation Control	39277	R313-12-3	AMD	06/16/2015	2015-9/21
	39274	R313-19-34	AMD	06/16/2015	2015-9/32
	39276	R313-36-3	AMD	06/16/2015	2015-9/52
	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
<u>radioactive material license</u>					
Environmental Quality, Radiation Control	39274	R313-19-34	AMD	06/16/2015	2015-9/32
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
	39278	R313-21-22	AMD	08/26/2015	2015-9/34
	39278	R313-21-22	CPR	08/26/2015	2015-14/118
	39279	R313-22	AMD	08/26/2015	2015-9/40



	39279	R313-22	CPR	08/26/2015	2015-14/124
	39083	R313-38-3	AMD	03/17/2015	2015-3/22
<u>range management</u>					
School and Institutional Trust Lands, Administration	39429	R850-50	AMD	08/11/2015	2015-13/48
<u>real estate business</u>					
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25
<u>reciprocity</u>					
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
<u>records</u>					
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6
	39375	R277-487	AMD	07/08/2015	2015-11/67
Pardons (Board Of), Administration	39107	R671-303-1	AMD	04/07/2015	2015-5/90
<u>records appeal hearings</u>					
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7
	39401	R35-2	AMD	07/31/2015	2015-11/9
	39402	R35-4	AMD	07/31/2015	2015-11/10
	39403	R35-5	AMD	07/31/2015	2015-11/11
	39404	R35-6	AMD	07/31/2015	2015-11/12
<u>recreation</u>					
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39
<u>redeemable coupon program</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	39019	R722-370	NEW	02/24/2015	2015-2/100
<u>refugee resettlement programs</u>					
Workforce Services, Employment Development	39643	R986-300	5YR	09/03/2015	Not Printed
<u>regionalization</u>					
Environmental Quality, Drinking Water	39212	R309-800	5YR	03/13/2015	2015-7/73
<u>registration</u>					
Commerce, Real Estate	39291	R162-2e	5YR	04/17/2015	2015-10/102
	38971	R162-2e-401	AMD	01/28/2015	2014-24/26
	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>registry</u>					
Health, Disease Control and Prevention, Health Promotion	39052	R384-300	NEW	03/12/2015	2015-3/24
<u>regulated contaminants</u>					
Environmental Quality, Drinking Water	39200	R309-200	5YR	03/13/2015	2015-7/60
<u>rehabilitation</u>					
Education, Rehabilitation	39220	R280-200	AMD	05/08/2015	2015-7/13
<u>reinstatement</u>					
Professional Practices Advisory Commission, Administration	39391	R686-102	REP	07/08/2015	2015-11/146
<u>renewable energy facilities</u>					
Public Service Commission, Administration	39311	R746-312	5YR	04/29/2015	2015-10/107
<u>renewals</u>					
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10

RULES INDEX

---

reporting

Health, Family Health and Preparedness, Emergency Medical Services 39468 R426-9 AMD 08/21/2015 2015-14/87

reporting requirements and procedures

Health, Disease Control and Prevention, Health Promotion 39052 R384-300 NEW 03/12/2015 2015-3/24

reports

Education, Administration 39384 R277-202 NEW 07/08/2015 2015-11/41  
 Professional Practices Advisory Commission, Administration 39390 R686-101 REP 07/08/2015 2015-11/139  
 39222 R686-101-14 AMD 05/08/2015 2015-7/43

request for proposals

Administrative Services, Purchasing and General Services 38976 R33-7 AMD 01/28/2015 2014-24/6  
 39513 R33-7 NSC 07/30/2015 Not Printed  
 39365 R33-7-702 AMD 07/09/2015 2015-11/6  
 39432 R33-7-702 AMD 08/07/2015 2015-13/6

research

Agriculture and Food, Plant Industry 39148 R68-22 NEW 04/22/2015 2015-6/14  
 Human Services, Administration 39270 R495-820 NEW 06/18/2015 2015-9/57

residency requirements

Workforce Services, Administration 39441 R982-402-8 AMD 08/11/2015 2015-13/56

residential

Environmental Quality, Air Quality 39117 R307-207 5YR 02/05/2015 2015-5/106

residential mortgage

Commerce, Real Estate 39249 R162-2c 5YR 03/31/2015 2015-8/33  
 39477 R162-2c AMD 09/04/2015 2015-14/26  
 38999 R162-2c-201 AMD 02/10/2015 2015-1/8

resorts

Alcoholic Beverage Control, Administration 39059 R81-4E 5YR 01/08/2015 2015-3/69

rest areas

Transportation, Operations, Maintenance 39004 R918-7 NEW 02/20/2015 2015-1/42  
 39150 R918-7 AMD 04/23/2015 2015-6/36

reverse auction

Administrative Services, Purchasing and General Services 38975 R33-6-101 AMD 01/28/2015 2014-24/5  
 39366 R33-6-109 AMD 07/09/2015 2015-11/5

revocation procedures

Environmental Quality, Environmental Response and Remediation 39146 R311-500 5YR 02/18/2015 2015-6/45

right-of-way

Transportation, Preconstruction 39297 R930-8 NEW 08/24/2015 2015-10/93  
 39297 R930-8 CPR 08/24/2015 2015-14/135

roads

Environmental Quality, Air Quality 39120 R307-307 5YR 02/05/2015 2015-5/108

rules

Education, Administration 39488 R277-99 NEW 08/26/2015 2015-14/40  
 Public Service Commission, Administration 39246 R746-200-7 AMD 05/27/2015 2015-8/22

rules and procedures

Health, Disease Control and Prevention, Epidemiology 39170 R386-703 AMD 05/15/2015 2015-7/24

Health, Disease Control and Prevention, Immunization	39171	R396-100	NSC	03/24/2015	Not Printed
Human Resource Management, Administration	39324	R477-1	AMD	07/01/2015	2015-10/39
Public Service Commission, Administration	39234	R746-100-3	AMD	05/27/2015	2015-8/19
	39235	R746-100-11	AMD	05/27/2015	2015-8/21
	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>rural business</u>					
Governor, Economic Development	39527	R357-2	NSC	08/17/2015	Not Printed
<u>rural conventional roads</u>					
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109
<u>rural economic development</u>					
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
<u>Rural Fast Track Program</u>					
Governor, Economic Development	39526	R357-1	NSC	08/17/2015	Not Printed
<u>safety</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
Labor Commission, Boiler and Elevator Safety	39296	R616-3-3	AMD	06/22/2015	2015-10/86
	39138	R616-4	5YR	02/12/2015	2015-5/112
Labor Commission, Occupational Safety and Health	39381	R614-1-7	AMD	07/08/2015	2015-11/119
<u>sand</u>					
School and Institutional Trust Lands, Administration	39252	R850-23	5YR	04/01/2015	2015-8/38
<u>sanitarian</u>					
Commerce, Occupational and Professional Licensing	39306	R156-20a	5YR	04/27/2015	2015-10/101
	39351	R156-20a	AMD	07/09/2015	2015-11/20
<u>scenic byways</u>					
Transportation, Program Development	39448	R926-13	5YR	06/16/2015	2015-14/144
	39449	R926-14	5YR	06/16/2015	2015-14/145
<u>scholarships</u>					
Education, Administration	39583	R277-602	5YR	08/13/2015	2015-17/104
Regents (Board Of), Administration	39157	R765-609	5YR	02/25/2015	2015-6/48
<u>school community councils</u>					
Education, Administration	39580	R277-491	5YR	08/13/2015	2015-17/102
<u>school employees</u>					
Education, Administration	39492	R277-516	AMD	08/26/2015	2015-14/51
	39289	R277-516-3	AMD	06/08/2015	2015-9/18
<u>school enrollment</u>					
Education, Administration	39374	R277-419	AMD	07/08/2015	2015-11/58
	39080	R277-419-9	EMR	01/15/2015	2015-3/63
<u>school personnel</u>					
Education, Administration	39462	R277-107	5YR	06/25/2015	2015-14/140
	39489	R277-107	AMD	08/26/2015	2015-14/41
<u>school reports</u>					
Education, Administration	39007	R277-497	AMD	02/09/2015	2015-1/11
	39581	R277-497	5YR	08/13/2015	2015-17/103
<u>school zones</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>schools</u>					
Education, Administration	39337	R277-474	5YR	05/01/2015	2015-10/105
	39287	R277-474	AMD	06/08/2015	2015-9/13
	39579	R277-477	5YR	08/13/2015	2015-17/102
Governor, Energy Development (Office of)	38931	R362-3	AMD	01/07/2015	2014-22/24

RULES INDEX

---

<u>science</u>						
Education, Administration	39578	R277-444	5YR	08/13/2015	2015-17/101	
<u>SDWA</u>						
Environmental Quality, Drinking Water	39211	R309-705	5YR	03/13/2015	2015-7/72	
<u>sealed bidding</u>						
Administrative Services, Purchasing and General Services	38975	R33-6-101	AMD	01/28/2015	2014-24/5	
	39366	R33-6-109	AMD	07/09/2015	2015-11/5	
<u>secondary disinfectants</u>						
Environmental Quality, Drinking Water	39189	R309-520	5YR	03/13/2015	2015-7/67	
<u>secondary education</u>						
Regents (Board Of), Administration	39157	R765-609	5YR	02/25/2015	2015-6/48	
<u>securities</u>						
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37	
	38926	R164-15-2	AMD	03/10/2015	2014-22/20	
<u>securities regulation</u>						
Commerce, Securities	39104	R164-2	5YR	02/02/2015	2015-4/37	
	38926	R164-15-2	AMD	03/10/2015	2014-22/20	
	39300	R164-32	NEW	06/22/2015	2015-10/26	
Money Management Council, Administration	39347	R628-15	EXD	05/06/2015	2015-11/191	
	39348	R628-15	EMR	05/06/2015	2015-11/180	
	39396	R628-15	NEW	07/13/2015	2015-11/126	
<u>security</u>						
Environmental Quality, Radiation Control	38908	R313-37	NEW	06/29/2015	2014-21/21	
	38908	R313-37	CPR	06/29/2015	2015-5/98	
<u>security guards</u>						
Commerce, Occupational and Professional Licensing	39293	R156-63a	AMD	06/22/2015	2015-10/22	
	39368	R156-63a	AMD	07/23/2015	2015-11/22	
	39294	R156-63b	AMD	06/22/2015	2015-10/24	
	39369	R156-63b	AMD	07/23/2015	2015-11/25	
<u>security measures</u>						
Corrections, Administration	39498	R251-709	5YR	07/02/2015	2015-15/32	
<u>sedimentation</u>						
Environmental Quality, Drinking Water	39190	R309-525	5YR	03/13/2015	2015-7/68	
<u>seizure of property</u>						
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106	
<u>self reporting</u>						
Education, Administration	39492	R277-516	AMD	08/26/2015	2015-14/51	
	39289	R277-516-3	AMD	06/08/2015	2015-9/18	
<u>septic tanks</u>						
Environmental Quality, Water Quality	39106	R317-4	5YR	02/03/2015	2015-5/111	
<u>settlements</u>						
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117	
<u>sex crimes</u>						
Corrections, Administration	39608	R251-110	5YR	08/21/2015	2015-18/134	
<u>sex education</u>						
Education, Administration	39337	R277-474	5YR	05/01/2015	2015-10/105	
	39287	R277-474	AMD	06/08/2015	2015-9/13	

<u>sex offender treatment</u>						
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80	
<u>sharing</u>						
Education, Administration	39077	R277-111	5YR	01/15/2015	2015-3/71	
	39078	R277-111	AMD	03/10/2015	2015-3/13	
<u>skills tests</u>						
Public Safety, Driver License	39180	R708-37	5YR	03/10/2015	2015-7/78	
<u>slaughter</u>						
Agriculture and Food, Animal Industry	39073	R58-11	5YR	01/13/2015	2015-3/67	
<u>slow sand filtration</u>						
Environmental Quality, Drinking Water	39191	R309-530	5YR	03/13/2015	2015-7/68	
<u>small business</u>						
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14	
	39534	R357-11	NSC	08/17/2015	Not Printed	
<u>Small Business Jobs Act</u>						
Governor, Economic Development	39346	R357-10	NEW	07/08/2015	2015-11/105	
<u>small game</u>						
Natural Resources, Wildlife Resources	39163	R657-21	5YR	03/03/2015	2015-7/76	
<u>small purchases</u>						
Administrative Services, Purchasing and General Services	39327	R33-4	AMD	06/23/2015	2015-10/11	
	39472	R33-4	AMD	08/21/2015	2015-14/6	
	39523	R33-4	NSC	08/24/2015	Not Printed	
<u>smoke</u>						
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104	
<u>social services</u>						
Human Services, Administration	39361	R495-861	AMD	07/16/2015	2015-11/116	
Human Services, Administration, Administrative Hearings	39521	R497-100	5YR	07/20/2015	2015-16/82	
Human Services, Child and Family Services	39284	R512-1	AMD	06/15/2015	2015-9/71	
	39409	R512-300	AMD	07/22/2015	2015-12/20	
<u>social workers</u>						
Commerce, Occupational and Professional Licensing	38979	R156-60a	AMD	01/22/2015	2014-24/15	
<u>solid fuel burning</u>						
Environmental Quality, Air Quality	39117	R307-207	5YR	02/05/2015	2015-5/106	
	38842	R307-302	AMD	02/04/2015	2014-19/44	
	38842	R307-302	CPR	02/04/2015	2015-1/48	
	39349	R307-302	5YR	05/06/2015	2015-11/185	
<u>source development</u>						
Environmental Quality, Drinking Water	39188	R309-515	5YR	03/13/2015	2015-7/67	
<u>source maintenance</u>						
Environmental Quality, Drinking Water	39188	R309-515	5YR	03/13/2015	2015-7/67	
<u>source materials</u>						
Environmental Quality, Radiation Control	39278	R313-21-22	AMD	08/26/2015	2015-9/34	
	39278	R313-21-22	CPR	08/26/2015	2015-14/118	
<u>source monitoring</u>						
Environmental Quality, Drinking Water	39201	R309-205	5YR	03/13/2015	2015-7/60	
<u>sovereign lands</u>						
Natural Resources, Forestry, Fire and State Lands	39314	R652-70	AMD	07/06/2015	2015-10/88	

RULES INDEX

---

<u>space</u>						
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31	
<u>special fuel</u>						
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50	
<u>special income group</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33	
<u>special needs students</u>						
Education, Administration	39583	R277-602	5YR	08/13/2015	2015-17/104	
<u>specific licenses</u>						
Environmental Quality, Radiation Control	39279	R313-22	AMD	08/26/2015	2015-9/40	
	39279	R313-22	CPR	08/26/2015	2015-14/124	
<u>specifications</u>						
Administrative Services, Purchasing and General Services	39327	R33-4	AMD	06/23/2015	2015-10/11	
	39472	R33-4	AMD	08/21/2015	2015-14/6	
	39523	R33-4	NSC	08/24/2015	Not Printed	
<u>speech impaired</u>						
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105	
<u>sponsorships</u>						
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42	
	39150	R918-7	AMD	04/23/2015	2015-6/36	
<u>sportsmen</u>						
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40	
	39362	R657-41	AMD	07/09/2015	2015-11/129	
<u>stabilization</u>						
Environmental Quality, Drinking Water	39192	R309-535	5YR	03/13/2015	2015-7/69	
<u>standard procurement process</u>						
Administrative Services, Purchasing and General Services	38976	R33-7	AMD	01/28/2015	2014-24/6	
	39513	R33-7	NSC	07/30/2015	Not Printed	
	39365	R33-7-702	AMD	07/09/2015	2015-11/6	
	39432	R33-7-702	AMD	08/07/2015	2015-13/6	
<u>standards</u>						
Education, Administration	39290	R277-517-5	AMD	06/08/2015	2015-9/19	
	39494	R277-700	AMD	08/26/2015	2015-14/59	
<u>state employees</u>						
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6	
	39360	R25-10	AMD	07/08/2015	2015-11/4	
	39160	R25-25-7	AMD	04/21/2015	2015-6/10	
<u>state lands</u>						
Heritage and Arts, Indian Affairs	39721	R456-1	EXT	09/09/2015	Not Printed	
<u>state parole inmates</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75	
	39344	R356-1	EXD	05/05/2015	2015-11/191	
<u>state probationary inmates</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39053	R356-1	EXT	01/02/2015	2015-3/75	
	39344	R356-1	EXD	05/05/2015	2015-11/191	

<u>state records committee</u>					
Administrative Services, Records Committee	39400	R35-1	AMD	07/31/2015	2015-11/7
	39401	R35-2	AMD	07/31/2015	2015-11/9
	39402	R35-4	AMD	07/31/2015	2015-11/10
	39403	R35-5	AMD	07/31/2015	2015-11/11
	39404	R35-6	AMD	07/31/2015	2015-11/12
<u>state residency</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>state surplus property</u>					
Administrative Services, Purchasing and General Services	39084	R33-26	NSC	01/28/2015	Not Printed
	39271	R33-26	AMD	06/10/2015	2015-9/4
	39042	R33-26-202	AMD	03/31/2015	2015-2/33
	39454	R33-26-202	AMD	08/21/2015	2015-14/11
<u>statewide registry</u>					
Human Services, Substance Abuse and Mental Health	38917	R523-8	NEW	01/06/2015	2014-22/33
<u>stationary sources</u>					
Environmental Quality, Air Quality	39168	R307-210	AMD	06/04/2015	2015-7/17
<u>statutory interpretation</u>					
Commerce, Securities	39300	R164-32	NEW	06/22/2015	2015-10/26
<u>storage</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31
<u>storage tanks</u>					
Environmental Quality, Drinking Water	39194	R309-545	5YR	03/13/2015	2015-7/70
<u>stoves</u>					
Environmental Quality, Air Quality	38842	R307-302	AMD	02/04/2015	2014-19/44
	38842	R307-302	CPR	02/04/2015	2015-1/48
	39349	R307-302	5YR	05/06/2015	2015-11/185
<u>student</u>					
Education, Administration	39372	R277-417	NEW	07/08/2015	2015-11/55
	39373	R277-418	NEW	07/08/2015	2015-11/57
<u>student achievement</u>					
Education, Administration	39340	R277-404	AMD	06/23/2015	2015-10/28
<u>student loans</u>					
Regents (Board Of), Administration	39605	R765-649	5YR	08/18/2015	2015-18/135
<u>students</u>					
Education, Administration	38956	R277-487	AMD	01/07/2015	2014-23/6
	39375	R277-487	AMD	07/08/2015	2015-11/67
<u>subcontractors</u>					
Transportation, Operations, Construction	39458	R916-6	5YR	06/22/2015	2015-14/144
	39455	R916-6	NSC	07/13/2015	Not Printed
<u>substance use disorder counselors</u>					
Commerce, Occupational and Professional Licensing	38964	R156-60d	AMD	01/22/2015	2014-24/17
<u>subsurface tracer studies</u>					
Environmental Quality, Radiation Control	39083	R313-38-3	AMD	03/17/2015	2015-3/22
<u>supplemental water rights</u>					
Natural Resources, Water Rights	39152	R655-16	5YR	02/24/2015	2015-6/47

RULES INDEX

<u>supplies</u>					
Education, Administration	39336	R277-459	5YR	05/01/2015	2015-10/104
	39286	R277-459	AMD	06/08/2015	2015-9/12
<u>surface water treatment</u>					
Environmental Quality, Drinking Water	39185	R309-505	5YR	03/13/2015	2015-7/65
<u>surface water treatment plant monitoring</u>					
Environmental Quality, Drinking Water	39203	R309-215	5YR	03/13/2015	2015-7/61
<u>surveys</u>					
Environmental Quality, Radiation Control	39047	R313-34	AMD	05/05/2015	2015-2/87
	39017	R313-35	AMD	05/22/2015	2015-2/89
	39017	R313-35	CPR	05/22/2015	2015-8/30
	39276	R313-36-3	AMD	06/16/2015	2015-9/52
	39083	R313-38-3	AMD	03/17/2015	2015-3/22
Judicial Performance Evaluation Commission, Administration	39244	R597-3-2	AMD	05/27/2015	2015-8/13
	39243	R597-3-3	AMD	05/27/2015	2015-8/15
<u>tailings</u>					
Environmental Quality, Air Quality	39115	R307-205	5YR	02/05/2015	2015-5/105
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed
	39275	R313-24-4	AMD	06/16/2015	2015-9/49
<u>tax credit</u>					
Governor, Economic Development	39094	R357-3	R&R	04/13/2015	2015-4/12
	39528	R357-3	NSC	08/17/2015	Not Printed
	39346	R357-10	NEW	07/08/2015	2015-11/105
<u>tax credits</u>					
Environmental Quality, Air Quality	39353	R307-121	AMD	09/03/2015	2015-11/86
	39354	R307-122	NEW	09/03/2015	2015-11/89
Governor, Economic Development	39527	R357-2	NSC	08/17/2015	Not Printed
	39533	R357-9	NSC	08/17/2015	Not Printed
<u>tax exemptions</u>					
Environmental Quality, Air Quality	38998	R307-120	AMD	03/05/2015	2015-1/17
<u>tax returns</u>					
Tax Commission, Auditing	39426	R865-9I-37	NSC	06/24/2015	Not Printed
<u>taxation</u>					
Tax Commission, Auditing	39437	R865-4D-21	AMD	08/27/2015	2015-13/50
	39425	R865-6F-28	NSC	06/24/2015	Not Printed
	39438	R865-20T-10	AMD	08/27/2015	2015-13/51
	39564	R865-21U	5YR	08/06/2015	2015-17/106
Tax Commission, Collections	39565	R867-2B	5YR	08/06/2015	2015-17/106
<u>teacher licensing</u>					
Education, Administration	39383	R277-201	NEW	07/08/2015	2015-11/37
	39008	R277-504	AMD	02/09/2015	2015-1/13
	39219	R277-504	AMD	05/08/2015	2015-7/8
Professional Practices Advisory Commission, Administration	39389	R686-100	REP	07/08/2015	2015-11/134
	39221	R686-100-7	AMD	05/08/2015	2015-7/42
<u>teachers</u>					
Education, Administration	39336	R277-459	5YR	05/01/2015	2015-10/104
	39286	R277-459	AMD	06/08/2015	2015-9/12
<u>technology</u>					
Governor, Economic Development	38944	R357-11	NEW	03/23/2015	2014-23/14
	39534	R357-11	NSC	08/17/2015	Not Printed
<u>telecommunications</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43



	39367	R746-360	AMD	07/08/2015	2015-11/155
<u>telecommuting</u>					
Human Resource Management, Administration	39320	R477-8-3	AMD	07/01/2015	2015-10/64
<u>telephones</u>					
Public Service Commission, Administration	38936	R746-341-5	AMD	01/07/2015	2014-23/43
<u>terms and conditions</u>					
Administrative Services, Purchasing and General Services	38977	R33-12	AMD	01/28/2015	2014-24/9
<u>third party liability</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	39483	R414-302-8	AMD	09/01/2015	2015-14/76
<u>timeshare</u>					
Commerce, Real Estate	39292	R162-57a	5YR	04/21/2015	2015-10/103
<u>title insurance</u>					
Insurance, Title and Escrow Commission	39652	R592-1	5YR	09/04/2015	Not Printed
	39653	R592-2	5YR	09/04/2015	Not Printed
	39412	R592-6	AMD	08/11/2015	2015-12/23
<u>title lenders</u>					
Financial Institutions, Nondepository Lenders	39442	R343-10	NEW	08/12/2015	2015-13/22
	39503	R343-10	NSC	08/17/2015	Not Printed
<u>tobacco products</u>					
Tax Commission, Auditing	39438	R865-20T-10	AMD	08/27/2015	2015-13/51
<u>tourist-oriented directional signs</u>					
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109
<u>traffic control</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>traffic signs</u>					
Transportation, Operations, Traffic and Safety	39481	R920-1	AMD	08/24/2015	2015-14/108
<u>training</u>					
Corrections, Administration	39540	R251-301	5YR	07/23/2015	2015-16/80
Public Service Commission, Administration	39568	R746-510	5YR	08/11/2015	2015-17/105
<u>transmission and distribution pipelines</u>					
Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70
	39508	R309-550-10	AMD	09/10/2015	2015-15/4
<u>transparency</u>					
Administrative Services, Administrative Rules	39727	R15-2	5YR	09/11/2015	Not Printed
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4
Health, Center for Health Data, Health Care Statistics	39247	R428-15	NSC	04/07/2015	Not Printed
<u>transportation</u>					
Administrative Services, Finance	39301	R25-7	AMD	06/22/2015	2015-10/6
	39160	R25-25-7	AMD	04/21/2015	2015-6/10
Environmental Quality, Radiation Control	38907	R313-19	AMD	02/17/2015	2014-21/18
	39280	R313-19-13	AMD	08/26/2015	2015-9/27
	39280	R313-19-13	CPR	08/26/2015	2015-14/114
	38908	R313-37	NEW	06/29/2015	2014-21/21
	38908	R313-37	CPR	06/29/2015	2015-5/98
Transportation, Operations, Construction	39183	R916-4	EXT	03/10/2015	2015-7/81
	39101	R916-4	AMD	03/27/2015	2015-4/26
	39506	R916-4	5YR	07/09/2015	2015-15/34
Transportation, Program Development	39504	R926-8	5YR	07/07/2015	2015-15/35
	39505	R926-8	NSC	07/30/2015	Not Printed
	39448	R926-13	5YR	06/16/2015	2015-14/144

RULES INDEX

	39449	R926-14	5YR	06/16/2015	2015-14/145
<u>transportation conformity</u>					
Environmental Quality, Air Quality	39122	R307-310	5YR	02/05/2015	2015-5/109
	38997	R307-311	NEW	03/05/2015	2015-1/22
<u>transportation safety</u>					
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53
	39479	R909-1	AMD	08/24/2015	2015-14/106
<u>trauma</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>trauma center designation</u>					
Health, Family Health and Preparedness, Emergency Medical Services	39468	R426-9	AMD	08/21/2015	2015-14/87
<u>traveler services</u>					
Transportation, Operations, Maintenance	39004	R918-7	NEW	02/20/2015	2015-1/42
	39150	R918-7	AMD	04/23/2015	2015-6/36
<u>treatment providers</u>					
Corrections, Administration	39539	R251-109	5YR	07/23/2015	2015-16/80
<u>Trichomoniasis</u>					
Agriculture and Food, Animal Industry	39086	R58-21	5YR	01/21/2015	2015-4/37
<u>trucking industries</u>					
Tax Commission, Auditing	39425	R865-6F-28	NSC	06/24/2015	Not Printed
<u>trucks</u>					
Transportation, Motor Carrier	39172	R909-1	EMR	03/06/2015	2015-7/53
	39479	R909-1	AMD	08/24/2015	2015-14/106
<u>trust account records</u>					
Commerce, Real Estate	39572	R162-2f	5YR	08/12/2015	2015-17/101
	38972	R162-2f-206	AMD	01/21/2015	2014-24/28
	39305	R162-2f-401j	AMD	06/22/2015	2015-10/25
<u>trust lands funds</u>					
Education, Administration	39579	R277-477	5YR	08/13/2015	2015-17/102
<u>turkey</u>					
Natural Resources, Wildlife Resources	38949	R657-69	AMD	01/08/2015	2014-23/39
<u>unassignable</u>					
Capitol Preservation Board (State), Administration	39501	R131-6	5YR	07/06/2015	2015-15/31
<u>underserved</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187
<u>unemployed workers</u>					
Workforce Services, Unemployment Insurance	39577	R994-207	5YR	08/13/2015	2015-17/107
<u>unemployment compensation</u>					
Workforce Services, Unemployment Insurance	39239	R994-204	5YR	03/25/2015	2015-8/40
	39240	R994-205	5YR	03/25/2015	2015-8/41
	39241	R994-206	5YR	03/25/2015	2015-8/41
	39577	R994-207	5YR	08/13/2015	2015-17/107
	39440	R994-312-103	AMD	08/11/2015	2015-13/59
<u>unemployment experience rating</u>					
Workforce Services, Unemployment Insurance	39242	R994-304	5YR	03/25/2015	2015-8/42

<u>unincorporated county</u>						
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109	
<u>uninsured motorist database</u>						
Public Safety, Driver License	39179	R708-32	5YR	03/10/2015	2015-7/77	
<u>universal service fund</u>						
Public Service Commission, Administration	39367	R746-360	AMD	07/08/2015	2015-11/155	
<u>uranium mills</u>						
Environmental Quality, Radiation Control	39149	R313-24-1	NSC	03/06/2015	Not Printed	
	39275	R313-24-4	AMD	06/16/2015	2015-9/49	
<u>urbanized areas</u>						
Transportation, Operations, Traffic and Safety	39495	R920-2	NEW	08/24/2015	2015-14/109	
<u>use tax</u>						
Tax Commission, Auditing	39564	R865-21U	5YR	08/06/2015	2015-17/106	
<u>used oil</u>						
Environmental Quality, Solid and Hazardous Waste	39302	R315-15-1	NSC	05/11/2015	Not Printed	
	39303	R315-15-3	NSC	05/06/2015	Not Printed	
	39304	R315-15-5	NSC	05/11/2015	Not Printed	
	39307	R315-15-6	NSC	05/11/2015	Not Printed	
	39308	R315-15-13	NSC	05/11/2015	Not Printed	
<u>Utah 911 Committee</u>						
Public Safety, Criminal Investigations and Technical Services, 911 Committee (Utah)	39022	R720-1	AMD	05/06/2015	2015-2/98	
<u>Utah Housing Opportunity Restricted Account</u>						
Commerce, Real Estate	39575	R162-2a	5YR	08/13/2015	2015-17/100	
	39576	R162-2a	NSC	08/28/2015	Not Printed	
<u>Utah procurement rules</u>						
Administrative Services, Purchasing and General Services	38974	R33-1-1	AMD	01/28/2015	2014-24/4	
<u>Utah Public Financial Website</u>						
Administrative Services, Finance	39360	R25-10	AMD	07/08/2015	2015-11/4	
<u>utilities</u>						
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93	
	39297	R930-8	CPR	08/24/2015	2015-14/135	
<u>utility accommodation</u>						
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93	
	39297	R930-8	CPR	08/24/2015	2015-14/135	
<u>utility facilities</u>						
Transportation, Preconstruction	39297	R930-8	NEW	08/24/2015	2015-10/93	
	39297	R930-8	CPR	08/24/2015	2015-14/135	
<u>utility service shutoff</u>						
Public Service Commission, Administration	39246	R746-200-7	AMD	05/27/2015	2015-8/22	
<u>vacations</u>						
Human Resource Management, Administration	39319	R477-7	AMD	07/01/2015	2015-10/56	
<u>very low birth weight infant</u>						
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20	
	38802	R433-1	CPR	02/12/2015	2015-1/50	
<u>very low birth weight infant reporting</u>						
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20	

RULES INDEX

	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>very low birth weight infant treatment capability</u>					
Health, Family Health and Preparedness, Maternal and Child Health	38802	R433-1	NEW	02/12/2015	2014-18/20
	38802	R433-1	CPR	02/12/2015	2015-1/50
<u>veterans benefits</u>					
Regents (Board Of), Administration	39023	R765-611	NEW	02/25/2015	2015-2/101
<u>veterinarian</u>					
Commerce, Occupational and Professional Licensing	39233	R156-28-304	AMD	05/27/2015	2015-8/6
<u>veterinarians</u>					
Environmental Quality, Radiation Control	39017	R313-35	AMD	05/22/2015	2015-2/89
	39017	R313-35	CPR	05/22/2015	2015-8/30
<u>veterinary medicine</u>					
Commerce, Occupational and Professional Licensing	39233	R156-28-304	AMD	05/27/2015	2015-8/6
<u>victim compensation</u>					
Crime Victim Reparations, Administration	39463	R270-1-22	AMD	08/21/2015	2015-14/38
<u>victims of crimes</u>					
Crime Victim Reparations, Administration	39463	R270-1-22	AMD	08/21/2015	2015-14/38
<u>vocational education</u>					
Education, Rehabilitation	39220	R280-200	AMD	05/08/2015	2015-7/13
<u>volume cap</u>					
Governor, Economic Development	39263	R357-8	NEW	07/08/2015	2015-9/53
<u>wages</u>					
Human Resource Management, Administration	39318	R477-6	AMD	07/01/2015	2015-10/51
<u>waivers</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	39342	R434-100	5YR	05/04/2015	2015-11/187
Health, Health Care Financing, Coverage and Reimbursement Policy	39310	R414-307	AMD	07/01/2015	2015-10/33
<u>waste disposal</u>					
Environmental Quality, Radiation Control	39082	R313-15-1208	AMD	03/17/2015	2015-3/21
<u>wastewater treatment</u>					
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10
<u>water conservation</u>					
Environmental Quality, Drinking Water	39186	R309-510	5YR	03/13/2015	2015-7/66
	39399	R309-510	AMD	07/15/2015	2015-11/92
<u>water hauling</u>					
Environmental Quality, Drinking Water	39195	R309-550	5YR	03/13/2015	2015-7/70
	39508	R309-550-10	AMD	09/10/2015	2015-15/4
<u>water pollution</u>					
Environmental Quality, Water Quality	39105	R317-10-8	AMD	04/29/2015	2015-4/10
<u>water quality</u>					
Environmental Quality, Drinking Water	39205	R309-225	5YR	03/13/2015	2015-7/62
<u>water rights</u>					
Natural Resources, Water Rights	39153	R655-14	5YR	02/24/2015	2015-6/47
	39152	R655-16	5YR	02/24/2015	2015-6/47
<u>water system rating</u>					
Environmental Quality, Drinking Water	39208	R309-400	5YR	03/13/2015	2015-7/64

<u>waterfowl</u>					
Natural Resources, Wildlife Resources	39435	R657-9	AMD	08/07/2015	2015-13/29
<u>watershed management</u>					
Environmental Quality, Drinking Water	39197	R309-105	5YR	03/13/2015	2015-7/58
<u>web accessibility</u>					
Technology Services, Administration	39427	R895-14	NEW	08/07/2015	2015-13/52
<u>website</u>					
Workforce Services, Administration	38938	R982-700	NEW	01/29/2015	2014-23/44
<u>weights</u>					
Agriculture and Food, Regulatory Services	39563	R70-950	5YR	08/05/2015	2015-17/99
<u>weights and measures</u>					
Agriculture and Food, Regulatory Services	39562	R70-910	5YR	08/05/2015	2015-17/99
<u>well logging</u>					
Environmental Quality, Radiation Control	39083	R313-38-3	AMD	03/17/2015	2015-3/22
<u>white collar crime registry</u>					
Attorney General, Administration	39445	R105-3	NEW	08/10/2015	2015-13/17
<u>wilderness</u>					
Natural Resources, Forestry, Fire and State Lands	38942	R652-160	NEW	01/27/2015	2014-23/36
<u>wildland fires</u>					
Environmental Quality, Air Quality	39114	R307-204	5YR	02/05/2015	2015-5/104
<u>wildlife</u>					
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29
	38996	R657-5	AMD	02/09/2015	2015-1/26
	39062	R657-5	AMD	03/16/2015	2015-3/30
	39431	R657-6	5YR	06/08/2015	2015-13/63
	39435	R657-9	AMD	08/07/2015	2015-13/29
	39509	R657-11	5YR	07/13/2015	2015-15/34
	39162	R657-15	5YR	03/03/2015	2015-7/75
	39215	R657-19	AMD	05/08/2015	2015-7/33
	39163	R657-21	5YR	03/03/2015	2015-7/76
	39559	R657-24	5YR	08/03/2015	2015-17/105
	39063	R657-33	AMD	03/16/2015	2015-3/31
	39064	R657-38	AMD	03/16/2015	2015-3/39
	39065	R657-41	AMD	03/16/2015	2015-3/40
	39362	R657-41	AMD	07/09/2015	2015-11/129
	39066	R657-42	AMD	03/16/2015	2015-3/42
	38995	R657-43	AMD	02/09/2015	2015-1/33
	39067	R657-55	AMD	03/16/2015	2015-3/43
	39345	R657-55	5YR	05/05/2015	2015-11/188
	39068	R657-57	AMD	03/16/2015	2015-3/48
	39069	R657-59	AMD	03/16/2015	2015-3/50
	39070	R657-62	AMD	03/16/2015	2015-3/52
	39434	R657-65	AMD	08/07/2015	2015-13/33
	39071	R657-68	AMD	03/16/2015	2015-3/54
	38949	R657-69	AMD	01/08/2015	2014-23/39
	39216	R657-70	NEW	05/08/2015	2015-7/36
	39436	R657-70	AMD	08/07/2015	2015-13/36
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	39064	R657-38	AMD	03/16/2015	2015-3/39
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	39509	R657-11	5YR	07/13/2015	2015-15/34
	39163	R657-21	5YR	03/03/2015	2015-7/76

RULES INDEX

---

<u>wildlife management</u>						
Natural Resources, Wildlife Resources	39162	R657-15	5YR	03/03/2015	2015-7/75	
<u>wildlife permits</u>						
Natural Resources, Wildlife Resources	39065	R657-41	AMD	03/16/2015	2015-3/40	
	39362	R657-41	AMD	07/09/2015	2015-11/129	
	39067	R657-55	AMD	03/16/2015	2015-3/43	
	39345	R657-55	5YR	05/05/2015	2015-11/188	
<u>workers' compensation</u>						
Labor Commission, Adjudication	39380	R602-2-4	AMD	07/08/2015	2015-11/117	
<u>workers' compensation insurance</u>						
Insurance, Administration	39313	R590-231	5YR	04/29/2015	2015-10/106	
<u>Workforce Investment Act</u>						
Workforce Services, Employment Development	39646	R986-600	5YR	09/03/2015	Not Printed	
<u>x-rays</u>						
Environmental Quality, Radiation Control	39016	R313-28-31	AMD	03/24/2015	2015-2/85	
	39017	R313-35	AMD	05/22/2015	2015-2/89	
	39017	R313-35	CPR	05/22/2015	2015-8/30	
<u>youth corrections</u>						
Human Services, Administration	39500	R495-883	5YR	07/06/2015	2015-15/33	
<u>zoological animals</u>						
Natural Resources, Wildlife Resources	39217	R657-3	AMD	05/08/2015	2015-7/29	