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SPECIAL NOTICES

Commerce Occupational and Professional Licensing

Proposed Building Codes and Amendments Under the Utah Uniform Building Standards Act

Uniform Building Code Commission recommended changes to construction codes under Title 15A, State Construction and Fire Code Act

The following document has the full details and summary of proposed changes to the updated 2018 national building codes and amendments as approved by the Uniform Building Code Commission. There are also several proposed changes to the 2015 International Residential Code. This proposal recommends that the 2018 international codes and amendments be adopted effective July 1, 2019.

A public hearing regarding the proposed building codes will be held **August 8, 2018 at 9:00 a.m. in Room 341 of the Sandy City Hall**, 10000 South Centennial Parkway, Sandy, Utah.

This document has two parts:

Part A -- Proposed Building Codes and Amendment Changes recommended by the Uniform Building Code Commission (UBCC) and its advisory committees. It should be noted that the changes are made with strikethrough and underline as making changes to existing statutes which have adopted the current building codes. This format is used for easier identification of items that are recommended for changes.

Part B -- A summary and explanation of the changes proposed in Part A.

PART A

Title 15A. State Construction and Fire Codes Act.

Chapter 2

Adoption of State Construction Code

Part 1

General Provisions

15A-2-101. Title -- Adoption of code.

- (1) This chapter is known as the "Adoption of State Construction Code."
- (2) In accordance with Chapter 1, Part 2, State Construction Code Administration Act, the Legislature repeals the State Construction Code in effect on July 1, 2010, and adopts the following as the State Construction Code:
 - (a) this chapter;
 - (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code; and
 - (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

Enacted by Chapter 14, 2011 General Session

15A-2-102. Definitions.

As used in this chapter and Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code, and Chapter 4, Local Amendments Incorporated as Part of State Construction Code:

- (1) "HUD Code" means the Federal Manufactured Housing Construction and Safety Standards Act, as issued by the Department of Housing and Urban Development and published in 24 C.F.R. Parts 3280 and 3282 (as revised April 1, 1990).
- (2) "IBC" means the edition of the International Building Code adopted under Section 15A-2-103.
- (3) "IEBC" means the edition of the International Existing Building Code adopted under Section 15A-2-103.
- (4) "IECC" means the edition of the International Energy Conservation Code adopted under Section 15A-2-103.
- (5) "IFGC" means the edition of the International Fuel Gas Code adopted under Section 15A-2-103.
- (6) "IMC" means the edition of the International Mechanical Code adopted under Section 15A-2-103.
- (7) "IPC" means the edition of the International Plumbing Code adopted under Section 15A-2-103.
- (8) "IRC" means the edition of the International Residential Code adopted under Section 15A-2-103.
- (9) "NEC" means the edition of the National Electrical Code adopted under Section 15A-2-103.

(10) "UWUI" means the edition of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103.

Amended by Chapter 249, 2016 General Session

15A-2-103. Specific editions adopted of construction code of a nationally recognized code authority.

(1) Subject to the other provisions of this part, the following construction codes are incorporated by reference, and together with the amendments specified in Chapter 3, Part 3, Statewide Amendments to International Plumbing Code, and Chapter 4, Local Amendments Incorporated as Part of State Construction Code, are the construction standards to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in the state:

- (a) the ~~[2015]~~2018 edition of the International Building Code, including Appendix J, issued by the International Code Council;
- (b) the 2015 edition of the International Residential Code, issued by the International Code Council;
- (c) the ~~[2015]~~2018 edition of the International Plumbing Code, issued by the International Code Council;
- (d) the ~~[2015]~~2018 edition of the International Mechanical Code, issued by the International Code Council;
- (e) the ~~[2015]~~2018 edition of the International Fuel Gas Code, issued by the International Code Council;
- (f) the 2017 edition of the National Electrical Code, issued by the National Fire Protection Association;
- (g) the ~~[2015]~~2018 edition of the International Energy Conservation Code, issued by the International Code Council;
- (h) the ~~[2015]~~2018 edition of the International Existing Building Code, issued by the International Code Council;
- (i) subject to Subsection 15A-2-104(2), the HUD Code;
- (j) subject to Subsection 15A-2-104(1), Appendix E of the 2015 edition of the International Residential Code, issued by the International Code Council; and
- (k) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.

(2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code, issued by the International Code Council, with the alternatives or amendments approved by the Utah Division of Forestry, as a construction code that may be adopted by a local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this section.

Amended by Chapter 249, 2016 General Session

15A-2-104. Installation standards for manufactured housing.

(1) The following are the installation standards for manufactured housing for new installations or for existing manufactured or mobile homes that are subject to relocation, building alteration, remodeling, or rehabilitation in the state:

- (a) The manufacturer's installation instruction for the model being installed is the primary standard.
- (b) If the manufacturer's installation instruction for the model being installed is not available or is incomplete, the following standards apply:
 - (i) Appendix E of the 2015 edition of the IRC, as issued by the International Code Council for installations defined in Section AE101 of Appendix E; or
 - (ii) if an installation is beyond the scope of the 2015 edition of the IRC as defined in Section AE101 of Appendix E, the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.

(c) A manufacturer, dealer, or homeowner is permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction, Appendix E of the 2015 edition of the IRC, or the 2005 edition of the NFPA 225, if the design is approved in writing by a professional engineer or architect licensed in Utah.

(d) For a mobile home built before June 15, 1976, the mobile home shall also comply with the additional installation and safety requirements specified in Chapter 3, Part 8, Installation and Safety Requirements for Mobile Homes Built Before June 15, 1976.

(2) Pursuant to the HUD Code Section 604(d), a manufactured home may be installed in the state that does not meet the local snow load requirements as specified in Chapter 3, Part 2, Statewide Amendments to International Residential Code, except that the manufactured home shall have a protective structure built over the home that meets the IRC and the snow load requirements under Chapter 3, Part 2, Statewide Amendments to International Residential Code.

Amended by Chapter 249, 2016 General Session

15A-2-105. Scope of application.

(1) To the extent that a construction code adopted under Section 15A-2-103 establishes a local administrative function or establishes a method of appeal which pursuant to Section 15A-1-207 is designated to be established by the compliance agency:

- (a) that provision of the construction code is not included in the State Construction Code; and
- (b) a compliance agency may establish provisions to establish a local administrative function or a method of appeal.
- (2)(a) To the extent that a construction code adopted under Subsection (1) establishes a provision, standard, or reference to another code that by state statute is designated to be established or administered by another state agency, or a local city, town, or county jurisdiction:
- (i) that provision of the construction code is not included in the State Construction Code; and
- (ii) the state agency or local government has authority over that provision of the construction code.
- (b) Provisions excluded under this Subsection (2) include:
- (i) the International Property Maintenance Code;
- (ii) the International Private Sewage Disposal Code, authority over which is reserved to the Department of Health and the Department of Environmental Quality;
- (iii) the International Fire Code, authority over which is reserved to the board, pursuant to Section 15A-1-403;
- (iv) a day care provision that is in conflict with Title 26, Chapter 39, Utah Child Care Licensing Act, authority over which is designated to the Utah Department of Health; and
- (v) a wildland urban interface provision that goes beyond the authority under Section 15A-1-204, for the State Construction Code, authority over which is designated to the Utah Division of Forestry or to a local compliance agency.
- (3) If a construction code adopted under Subsection 15A-2-103(1) establishes a provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code Administration Act, to the extent the scope is exceeded, the provision is not included in the State Construction Code.

Enacted by Chapter 14, 2011 General Session

Chapter 3 Statewide Amendments Incorporated as Part of State Construction Code

Part 1 Statewide Amendments to International Building Code

15A-3-101. General provision.

The amendments in this part are adopted as amendments to the IBC to be applicable statewide.

Enacted by Chapter 14, 2011 General Session

15A-3-102. Amendments to Chapters 1 through 3 of IBC.

- (1) IBC, Section 106, is deleted.
- (2) In IBC, Section 110, a new section is added as follows: " 110.3.5.1, Weather-resistant exterior wall envelope. An inspection shall be made of the weather-resistant exterior wall envelope as required by Section [1403-2]1404.2, and flashing as required by Section [1405-4]1404.4 to prevent water from entering the weather-resistive barrier."
- (3) IBC, Section 115.1, is deleted and replaced with the following: "115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances or is dangerous or unsafe, the building official is authorized to stop work."
- (4) In IBC, Section 202, the following definition for Ambulatory Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building licensed by the Utah Department of Health where procedures are performed that may render patients incapable of self-preservation where care is less than 24 hours. See Utah Administrative Code R432-13."
- (5) In IBC, Section 202, the following definition is added for Assisted Living Facility: "ASSISTED LIVING FACILITY. See Residential Treatment / Support Assisted Living Facility, Type I Assisted Living Facility, and Type II Assisted Living Facility.
- ~~[(5)](6)~~ In IBC, Section 202, the definition for Foster Care Facilities is modified by ~~[changing]~~deleting the word "Foster" ~~[to]~~and replacing it with the word "Child."
- ~~[(6)](7)~~ In IBC, Section 202, the definition for "[F]Record Drawings" is modified by deleting the words "a fire alarm system" and replacing them with "any fire protection system".
- ~~[(7)](8)~~ In IBC, Section 202, the following definition is added for Residential Treatment/Support Assisted Living Facility: "RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. [See Section 308-1-2.]A Residential Treatment / Support Assisted Living Facility which creates a group living environment for four or more residents licensed by the Utah Department of Human Services, and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person."
- ~~[(8)](9)~~ In IBC, Section 202, the following definition is added for Type I Assisted Living Facility: "TYPE I ASSISTED LIVING FACILITY. [See Section 308-1-2.]A residential facility licensed by the Utah Department of Health that provides a protected living arrangement, assistance with activities of daily living and social care to two or more ambulatory, non-restrained

~~persons who are capable of mobility sufficient to exit the facility without the assistance of another person. Subcategories shall be: Limited Capacity, two to five residents; Small, six to sixteen residents; Large, over sixteen residents."~~

~~[(9)](10) In IBC, Section 202, the following definition is added for Type II Assisted Living Facility:~~

~~"Type II, ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides an array of coordinated supportive personal and health care services to two or more residents who are:~~

~~(A) Physically disabled but able to direct his or her own care; or~~

~~(B) Cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone or area of safety, with the physical assistance of one person. Subcategories shall be: Limited Capacity, two to five residents; Small, six to sixteen residents; Large, over sixteen residents."~~

~~[(10)](11) In IBC, Section 305.2, the following changes are made:~~

~~(a) "Delete the words "more than five children older than 2½ years of age" and replace with the words "five or more children 2 years of age or older";~~

~~(b) After the word "supervision" insert the words "child care services";~~

~~(c) Add the following sentence at the end of the paragraph: "See Section 429 for special requirements for Day Care." [words "child care centers," are inserted after the word "supervision," and following sentence is added at the end of the paragraph: "See Section 425 for special requirements for Day Care."]~~

~~[(11)](12) In IBC, Section 305.2.2 and 305.2.3, the word "five" is deleted and replaced with the word "four" in [both]all places.~~

~~[(12)](13) A new IBC Section 305.2.4 is added as follows: "305.2.4 [Child Day Care—]Residential Certificate Child Care and Licensed [or a] Family Child Care[License]. Areas used as a Residential Certificate Child Care as defined [for child day care purposes with a Residential Certificate] in the Utah Administrative Code R430-50 or as a Licensed Family Child Care[License], as defined in Utah Administrative Code, R430-90, [Licensed Family Child Care,] may be located in a Group R-2 or R-3 occupancy as provided in Section [310.5] 310.3 and 310.4 or shall comply with the International Residential Code in accordance with Section R101.2."~~

~~[(13)](14) A new IBC Section 305.2.5 is added as follows: "305.2.5 Child Care[-Centers]. Areas used [for]as Hourly Child Care Centers, as defined in Utah Administrative Code, [R430-60]R381-60, Child Care Center as defined in Utah Administrative Code, [R430-100]R381-100, or Out of School Time Programs, as defined in Utah Administrative Code, [R430-70]R381-70, may be classified as accessory occupancies subject to the provisions in Section 508.2."~~

~~[(14)](15) In IBC, Table 307.1(1), footnote "d" is added to the row for [Consumer fireworks-]Explosives, Division 1.4G in the column titled STORAGE - Solid Pounds (cubic feet).~~

~~(16) In IBC, Section 308.2, in the list of items under "This group shall include", the words "Type-I Large and Type-II Small, see Section 308.2.5" are added after "Assisted living facilities".~~

~~[(15) In IBC, Section 308.2, the word "FOSTER" is deleted and replaced with "CHILD."~~

~~(16) A new IBC Section 308.2.1 is added as follows: "308.2.1 Assisted living facilities and related occupancies. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.~~

~~TYPE I ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.~~

~~Occupancies. Limited capacity, type I assisted living facilities with two to five residents shall be classified as R-3 occupancies. Small, type I assisted living facilities with six to sixteen residents shall be classified as R-4 occupancies. Large, type I assisted living facilities with over sixteen residents shall be classified as I-1 occupancies.~~

~~TYPE II ASSISTED LIVING FACILITY. A residential facility licensed by the Utah Department of Health that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.~~

~~Semi-Independent. A person who is:~~

~~A. Physically disabled but able to direct his or her own care; or~~

~~B. Cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person. Occupancies. Limited capacity, type II assisted living facilities with two to five residents shall be classified as R-4 occupancies. Small, type II assisted living facilities with six to sixteen residents shall be classified as I-1 occupancies. Large, type II assisted living facilities with over sixteen residents shall be classified as I-2 occupancies.~~

~~RESIDENTIAL TREATMENT/SUPPORT ASSISTED LIVING FACILITY. A residential treatment/support assisted living facility which creates a group living environment for four or more residents licensed by the Utah Department of Human Services, and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person."~~

~~(17) In IBC, Section 308.3, the words "(see Section 308.2.1)" are added after the words "assisted living facilities."~~

~~[(18)](17) In IBC, Section [308.3-4]308.2.4, all of the words after the first words "International Residential Code" are deleted.~~

~~(18) A new IBC, Section 308.2.5 is added as follows: "308.2.5 Group I-1 assisted living facility occupancy groups. The following occupancy groups shall apply to assisted living facilities: Type I assisted living facilities with seventeen or more~~

residents are Large Facilities classified as an Institutional Group I-1, Condition 1 occupancy. Type II assisted living facilities with six to sixteen residents are Small Facilities classified as an Institutional Group I-1, Condition 2 occupancy. See Section 202 for definitions."

(19) In IBC, Section 308.3 Institutional Group I-2, the following changes are made:

(a) The words "more than five" are deleted and replaced with "four or more".

(b) The group "Assisted living facilities, Type --II Large" is added to the list of groups:

(c) The words "Foster care facilities" are deleted and replaced with the words "Child care facilities";

(d) The words "(both intermediate care facilities and skilled nursing facilities)" are added after "Nursing homes".

(20) In IBC, Section 308.3.2, the number "five" is deleted and replaced with the number "four" in each location."

(21) A new IBC, Section 308.3.3 is added as follows: "308.3.3 Group I-2 assisted living facilities. Type II assisted living facilities with seventeen or more residents are Large Facilities classified as an Institutional Group I-2, Condition 1 occupancy. See Section 202 for Definitions."

(19) In IBC, Section 308.4, the following changes are made:

(a) The words "five persons" are deleted and replaced with the words "three persons."

(b) The words "foster care facilities" are deleted and replaced with "child care facilities."

(c) The words "(both intermediate care facilities and skilled nursing facilities)" are added after "nursing homes."

(20) In IBC, Section 308.4.2, the word "five" is deleted and replaced with the word "three" in both places.]

(21) In IBC, Section 308.5, the words "more than five" [is]are deleted and replaced with the words "[four]five or more."

(22) In IBC, Section 308.5.1, the following changes are made:

(a) [The word "five" is deleted and replaced with the word "four."]The words "more than five" are deleted and replaced with the words "five or more".

(b) The words "2-1/2 years or less of age" are deleted and replaced with "under the age of two."

(c) The following sentence is added at the end: "See Section 429 for special requirements for Day Care."

(23) In IBC, Sections 308.5.3 and 308.5.4, the words "five or fewer" [is]are deleted and replaced with the words "four or fewer" in both places and the following sentence is added at the end: "See Section 429 for special requirements for Day Care."

(24) In IBC, Section 310.4, the following changes are made:

(a) The words "and single family dwellings complying with the IRC" are added after "Residential Group-3 occupancies."

(b) The words "Assisted Living Facilities, limited capacity" are added to the list of occupancies:

(25) In IBC, Section 310.4.1, the following changes are made:

(a) The words "other than Child Care" are inserted after the words "[dwelling]Care facilities" in the first sentence. [and]

(b) All of the words after the first "International Residential Code" are deleted.

(c) [t]The following sentence is added at the end of the paragraph: "See Section 429 for special requirements for Child Day Care."

(26) A new IBC Section 310.4.3 is added as follows: "[310.4.3 Child Care. Areas used for child care purposes may be located in a residential dwelling unit under all of the following conditions and Section 429:

1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the Utah Department of Health, as enacted under the authority of the Utah Code, Title 26, Chapter 39, Utah Child Care Licensing Act, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care.

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator."

(27) In IBC, Section 310.6, the words "(see Section 308.2.1)" are added after "assisted living facilities."

(28) A new IBC, Section 310.4.4 is added as follows: 310.4.4 Assisted living facilities. Type I assisted living facilities with two to five residents are Limited Capacity facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the International Residential Code. See Section 202 for Definitions.

(29) In IBC Section 310.5 the words "Type II Limited Capacity and Type I Small, see Section 310.5.3" are added after the words "assisted living facilities".

(30) A new IBC Section 310.5.3 is added as follows: 310.5.3 Group R-4 Assisted Living Facility occupancy groups. The following occupancy groups shall apply to Assisted Living Facilities: Type II Assisted Living Facilities with two to five residents are Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy. Type I assisted living facilities with six to sixteen residents are Small facilities classified as Residential Group R-4, Condition 1 occupancies. See Section 202 for Definitions.

Amended by Chapter 249, 2016 General Session

15A-3-103. Amendments to Chapters 4 through 6 of IBC.

(1) IBC Section 403.5.5 is deleted.

(2) In IBC, Section 407.2.5, the words "and assisted living facility" are added in the title and first sentence after the words "nursing home".

(3) In IBC, Section 407.2.6, the words "and assisted living facility" are added in the title after the words "nursing home".

(4) In IBC, Section 407.11, a new exception is added as follows:

"Exception: An essential electrical system is not required in assisted living facilities."

(5) A new IBC, Section 422.2.1, [a new paragraph] is added as follows: "422.2.1 Separations: Ambulatory care facilities licensed by the Utah Department of Health shall be separated from adjacent tenants with a fire partition having a minimum one hour fire-resistance rating. Any level below the level of exit discharge shall be separated from the level of exit discharge by a horizontal assembly having a minimum one hour fire-resistance rating.

Exception: A fire barrier is not required to separate the level of exit discharge when:

1. Such levels are under the control of the Ambulatory Care Facility.
2. Any hazardous spaces are separated by horizontal assembly having a minimum one hour fire-resistance rating."

(6) A new IBC Section [427]429, Day Care, is added as follows:

[427-1]429.1 Detailed Requirements. In addition to the occupancy and construction requirements in his code, the additional provisions of this section shall apply to all Day Care in accordance with Utah Administrative Code R710-8 Day Care Rules.

[427-2]429.2 Definitions.

[427-2-1]429.2.1 Authority Having Jurisdiction (AHJ): State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority code official.

[427-2-2]429.2.2 Day Care Facility: Any building or structure occupied by clients of any age who receive custodial care for less than 24 hours by individuals other than parents, guardians, relatives by blood, marriage or adoption.

[427-2-3]429.2.3 Day Care Center: Providing care for five or more clients in a place other than the home of the person cared for. This would also include Child Care Centers, Out of School Time or Hourly Child Care Centers licensed by the Department of Health.

[427-2-4]429.2.4 Family Day Care: Providing care for clients listed in the following two groups:

[427-2-4-1]429.2.4.1 Type 1: Services provided for five to eight clients in a home. This would also include a home that is certified by the Department of Health as Residential Certificate Child Care or licensed as Family Child Care.

[427-2-4-2]429.2.4.2 Type 2: Services provided for nine to sixteen clients in a home with sufficient staffing. This would also include a home that is licensed by the Department of Health as Family Child Care.

[427-2-5]429.2.5 R710-8: Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

[427-3]429.3 Family Day Care.

[427-3-1]429.3.1 Family Day Care units shall have on each floor occupied by clients, two separate means of egress, arranged so that if one is blocked the other will be available.

[427-3-2]429.3.2 Family Day Care units that are located in the basement or on the second story shall be provided with two means of egress, one of which shall discharge directly to the outside.

[427-3-2-1]429.3.2.1 Residential Certificate Child Care and Licensed Family Child Care with five to eight clients in a home, located on the ground level or in a basement, may use an emergency escape or rescue window as allowed in IFC, Chapter 10, Section 1030.

[427-3-3]429.3.3 Family Day Care units shall not be located above the second story.

[427-3-4]429.3.4 In Family Day Care units, clients under the age of two shall not be located above or below the first story.

[427-3-4-1]429.3.4.1 Clients under the age of two may be housed above or below the first story where there is at least one exit that leads directly to the outside and complies with IFC, Section 1011 or Section 1012 or Section 1027.

[427-3-5]429.3.5 Family Day Care units located in split entry/split level type homes in which stairs to the lower level and upper level are equal or nearly equal, may have clients housed on both levels when approved by the AHJ.

[427-3-6]429.3.6 Family Day Care units shall have a portable fire extinguisher on each level occupied by clients, which shall have a classification of not less than 2A:10BC, and shall be serviced in accordance with NFPA, Standard 10, Standard for Portable Fire Extinguishers.

[427-3-7]429.3.7 Family Day Care units shall have single station smoke detectors in good operating condition on each level occupied by clients. Battery operated smoke detectors shall be permitted if the facility demonstrates testing, maintenance, and battery replacement to insure continued operation of the smoke detectors.

[427-3-8]429.3.8 Rooms in Family Day Care units that are provided for clients to sleep or nap, shall have at least one window or door approved for emergency escape.

[427-3-9]429.3.9 Fire drills shall be conducted in Family Day Care units quarterly and shall include the complete evacuation from the building of all clients and staff. At least annually, in Type I Family Day Care units, the fire drill shall include the actual evacuation using the escape or rescue window, if one is used as a substitute for one of the required means of egress.

~~[427.4]~~429.4 Day Care Centers.

~~[427.4.1]~~429.4.1 Day Care Centers shall comply with either I-4 requirements or E requirements of the IBC, whichever is applicable for the type of Day Care Center.

~~[427.4.2]~~429.4.2 Emergency Evacuation Drills shall be completed as required in IFC, Chapter 4, Section 405.

~~[427.4.3]~~429.4.3 Location at grade. Group E child day care centers shall be located at the level of exit discharge.

~~[427.4.3.1]~~429.4.3.1 Child day care spaces for children over the age of 24 months may be located on the second floor of buildings equipped with automatic fire protection throughout and an automatic fire alarm system.

~~[427.4.4]~~429.4.4 Egress. All Group E child day care spaces with an occupant load of more than 10 shall have a second means of egress. If the second means of egress is not an exit door leading directly to the exterior, the room shall have an emergency escape and rescue window complying with Section 1030.

~~[427.4.5]~~429.4.5 All Group E Child Day Care Centers shall comply with Utah Administrative Code, R430-100 Child Care Centers, R430-60 Hourly Child Care Centers, and R430-70 Out of School Time.

~~[427.5]~~429.5 Requirements for all Day Care.

~~[427.5.1]~~429.5.1 Heating equipment in spaces occupied by children shall be provided with partitions, screens, or other means to protect children from hot surfaces and open flames.

~~[427.5.2]~~429.5.2 A fire escape plan shall be completed and posted in a conspicuous place. All staff shall be trained on the fire escape plan and procedure."

~~[(4)]~~(7) In IBC, Section 504.4, a new section is added as follows: "504.4.1 Notwithstanding the exceptions to Section 504.2, Group I-2 Assisted Living Facilities shall be allowed on each level of a two-story building of Type V-A construction when all of the following apply:

1. All secured units are located at the level of exit discharge in compliance with Section 1010.1.9.3 as amended;
2. The total combined area of both stories shall not exceed the total allowable area for a one-story building; and
3. All other provisions that apply in Section 407 have been provided."

~~(8)~~ In IBC, Section 504.4, a new section is added as follows: "504.4.1 Group I-2 Assisted Living Facilities. Notwithstanding the allowable number of stories permitted by Table 504.4 Group I-2 Assisted Living Facilities of Type VA construction shall be allowed on each level of a two-story building when all of the following apply:

1. The total combined area of both stories shall not exceed the total allowable area for a one-story, above grade plane building equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and
2. All other provisions that apply in Section 407 have been provided.

~~(9)~~ A new IBC, Section 504.5, is added as follows: "504.5 Group 1-2 Secured areas in Assisted Living Facilities. In Type IIIB, IV and V construction, all areas for the use and care of residents required to be secured shall be located on the level of exit discharge with door operations in compliance with Section 1010.1.9.7 as amended."

Amended by Chapter 249, 2016 General Session

15A-3-104. Amendments to Chapters 7 through 9 of IBC.

(1) In IBC, Section 704.13.2, the following sentence is added to the end of the section: "An individual spraying fire-resistant materials may obtain a certificate that demonstrates that the individual has undergone training on how to spray fire-resistant materials to manufacturer's specifications."

(2) IBC, Section (F)~~[904.8]~~902.1, is deleted and replaced with the following: "(F)~~[904.8]~~902.1 Pump and riser room size. Fire pump and automatic sprinkler system riser rooms shall be designed with adequate space for all installed equipment necessary for the installation and to provide sufficient working space around the stationary equipment. Clearances around equipment shall be in accordance with manufacturer requirements and not less than the following minimum elements:

~~[904.8.1]~~902.1.5 A minimum clear and unobstructed distance of 12-inches shall be provided from the installed equipment to the elements of permanent construction.

~~[904.8.2]~~902.1.6 A minimum clear and unobstructed distance of 12-inches shall be provided between all other installed equipment and appliances

~~[904.8.3]~~902.1.7 A clear and unobstructed width of 36-inches shall be provided in front of all installed equipment and appliances, to allow for inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance-rated assembly.

~~[904.8.4]~~902.1.8 Automatic sprinkler system riser rooms shall be provided with a clear and unobstructed passageway to the riser room of not less than 36-inches, and openings into the room shall be clear and unobstructed, with doors swinging in the outward direction from the room and the opening providing a clear width of not less than 34-inches and a clear height of the door opening shall not be less than 80-inches.

~~[904.8.5]~~902.1.9 Fire pump rooms shall be provided with a clear and unobstructed passageway to the fire pump room of not less than 72-inches, and openings into the room shall be clear, unobstructed and large enough to allow for the removal of the largest piece of equipment, with doors swinging in the outward direction from the room and the opening providing a clear width of not less than 68-inches and a clear height of the door opening shall not be less than 80-inches."

(3) In IBC, Section (F)903.2.2, the words "the entire floor" are deleted and replaced with "a building" and the last paragraph is deleted.

(4) IBC, Section (F)903.2.4, condition 2, is deleted and replaced with the following: "2. A Group F-1 fire area is located more than three stories above the lowest level of fire department vehicle access."

(5) IBC, Section (F)903.2.7, condition 2, is deleted and replaced with the following: "2. A Group M fire area is located more than three stories above the lowest level of fire department vehicle access."

(6) IBC, Sections (F)903.2.8, (F)903.2.8.1, and (F)903.2.8.2, [~~and (F)903.2.8.4~~], are deleted and replaced with the following: "(F)903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code For One- and Two-Family Dwellings.

2. Single story Group R-1 occupancies with fire areas not more than 2,000 square feet that contain no installed plumbing or heating, where no cooking occurs, and constructed of Type I-A, I-B, II-A, or II-B construction."

(7) IBC, Section[s] (F)903.2.8.3 [~~and (F)903.2.8.3.1, are]~~ is renumbered to (F)903.2.8.1 [~~and (F)903.2.8.1.1.~~] and the following exception is added:

~~[(8) IBC, Section (F)903.2.8.3.2, is renumbered to (F)903.2.8.1.2 and the following exception is added:]~~

"Exception: Group R-4 fire areas not more than 4,500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system."

~~[(9)](8) IBC, Section (F)903.2.8.4, is deleted.~~

~~[(10)](9) IBC, Section (F)903.2.9, condition 2, is deleted and replaced with the following: "2. A Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access."~~

~~[(11)](10) IBC, Section (F)904.12, is deleted and replaced with the following: " (F)904.12 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions.~~

Exception: Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and listed, labeled, and installed in accordance with Section 304.1 of the International Mechanical Code."

~~[(12)](11) IBC, Sections (F)904.12.3, (F)904.12.3.1, (F)904.12.4, and (F)904.12.4.1, are deleted.~~

~~[(13)](12) In IBC, Section 905, a new subsection, Section (F)905.3.9, is added as follows: "Open Parking Garages. Open parking garages shall be equipped with an approved Class 1 manual standpipe system when fire department access is not provided for firefighting operations to within 150 feet of all portions of the open parking garage as measured from the approved fire department vehicle access. Class 1 manual standpipe shall be accessible throughout the parking garage such that all portions of the parking structure are protected within 150 feet of a hose connection."~~

~~[(14)](13) In IBC, Section (F)905.8, the exception is deleted and replaced with the following: "Exception: Where subject to freezing and approved by the fire code official."~~

~~[(15)](14) In IBC, Section (F)907.2.3 Group E, [the first sentence] is deleted and rewritten as follows: "A manual fire alarm system that [activates]initiates the occupant notification signal utilizing an emergency voice/alarm communication system [in accordance with]meeting the requirements of Section (F)907.5.2.2, or a manual fire alarm system that initiates an approved audible and visual occupant notification signal meeting the requirements of Sections (F)907.5.2.1, (F)907.5.2.1.1, (F)907.5.2.2, (F)907.5.2.3, and [shall be]installed[,] in accordance with Section (F)907.6 shall be installed in Group E occupancies. Where automatic sprinkler systems or detectors are installed, such systems or detectors shall be connected to the building fire alarm system. [and administrative rules made by the State Fire Prevention Board in Group E occupancies.]"~~

~~[(16)](15) IBC, Sections (F)915 through (F)915.6, are deleted and replaced with the following:~~

~~"(F)915 Where required.~~

Group I-1, I-2, I-4, and R occupancies located in a building containing a fuel-burning appliance or in a building that has an attached garage shall be equipped with single-station carbon monoxide alarms. The carbon monoxide alarms shall be listed as complying with UL 2034 or UL 2075 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. An open parking garage, as defined in Chapter 2, or an enclosed parking garage, ventilated in accordance with Section 404 of the International Mechanical Code, shall not be considered an attached garage. A minimum of one carbon monoxide alarm shall be installed on each habitable level.

(F) 915.1 Interconnection.

Where more than one carbon monoxide alarm is required to be installed within Group I-1, I-2, I-4, or R occupancies, the carbon monoxide alarm shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

(F) 915.2 Power source.

In new construction, required carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Carbon monoxide alarms with integral strobes that are not equipped with a battery backup shall be connected to an emergency electrical system. Carbon monoxide alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions.

1. Carbon monoxide alarms are not required to be equipped with a battery backup where they are connected to an emergency electrical system.
2. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available that could provide access for hard wiring without the removal of interior finishes.

(F) 915.3 Group E.

A carbon monoxide detection system shall be installed in new buildings that contain Group E occupancies in accordance with IFC, Chapter 9, Section 915. A carbon monoxide detection system shall be installed in existing buildings that contain Group E occupancies in accordance with IFC, Chapter 11, Section 1103.9.

(F) 915.3.1 Where required.

In Group E occupancies, a carbon monoxide detection system shall be provided where a fuel-burning appliance, a fuel-burning fireplace, or a fuel-burning forced air furnace is present.

(F) 915.3.2 Detection equipment.

Each carbon monoxide detection system shall be installed in accordance with NFPA 720 and the manufacturer's instructions and be listed as complying with, for single station detectors, UL 2034 and, for system detectors, UL 2075.

(F) 915.3.3 Locations.

Each carbon monoxide detection system shall be installed in the locations specified in NFPA 720.

(F) 915.3.4 Combination detectors.

A combination carbon monoxide/smoke detector is an acceptable alternative to a carbon monoxide detection system if the combination carbon monoxide/smoke detector is listed in accordance with UL 2075 and UL 268.

(F) 915.3.5 Power source.

Each carbon monoxide detection system shall receive primary power from the building wiring if the wiring is served from a commercial source. If primary power is interrupted, each carbon monoxide detection system shall receive power from a battery. Wiring all be permanent and without a disconnecting switch other than that required for overcurrent protection.

(F) 915.3.6 Maintenance.

Each carbon monoxide detection system shall be maintained in accordance with NFPA 720. A carbon monoxide detection system that becomes inoperable or begins to produce end of life signals shall be replaced."

Amended by Chapter 249, 2016 General Session

15A-3-105. Amendments to Chapters 10 through 12 of IBC.

(1) In IBC, Section [~~4040.4-9.6~~]1010.1.9.7, a new number 9 is added as follows: " 9. The secure area or unit with special egress locks shall be located at the level of exit discharge in Type III, IV, and V construction."

(2) In IBC, Section 1011.5.2, exception 3 is deleted and replaced with the following: " 3. In Group R-3 occupancies, within dwelling units in Group R-2 occupancies, and in Group U occupancies that are accessory to a Group R-3 occupancy, or accessory to individual dwelling units in Group R-2 occupancies, the maximum riser height shall be 8 inches (203 mm) and the minimum tread depth shall be 9 inches (229 mm). The minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 10 inches (254 mm)."

(3) In IBC, Section 1011.11, a new exception 5 is added as follows: " 5. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers."

(4) In IBC, Section 1013.5, the words ", including when the building may not be fully occupied" are added at the end of the sentence.

(5) IBC, Section 1025, is deleted.

(6) In IBC, Section [~~4029.14~~]1029.15, exception 2 is deleted.

[~~————~~](7) In IBC, Section 1109.8, the following words "shall be capable of operation without a key and" are inserted in the second sentence between the words "lifts" and "shall".]

[~~(8)~~](7) In IBC, Section [~~4208.4~~]1207.4, subparagraph 1 is deleted and replaced with the following: "1. The unit shall have a living room of not less than 165 square feet (15.3 m2) of floor area. An additional 100 square feet (9.3 m2) of floor area shall be provided for each occupant of such unit in excess of two."

Amended by Chapter 249, 2016 General Session

15A-3-106. Amendments to Chapters 13 through 15 of IBC.

IBC, Chapters 13, 14, and 15 are not amended.

Amended by Chapter 249, 2016 General Session

15A-3-107. Amendments to Chapter 16 of IBC.

(1) In IBC, Table 1604.5, Risk Category III, in the sentence that begins "Group I-2 Condition 1," a new footnote c is added as follows: "c. Type II Assisted Living Facilities that are I-2 Condition 1 occupancy classifications in accordance with Section 308 shall be Risk Category II in this table."

(2) In IBC, Section 1605.2, in the portion of the definition for the value of f_2 , the words "and 0.2 for other roof configurations" are deleted and replaced with the following: " $f_2 = 0.20 + .025(A-5)$ for other configurations where roof snow load exceeds 30 psf;

$f_2 = 0$ for roof snow loads of 30 psf (1.44kN/m²) or less.

Where A = Elevation above sea level at the location of the structure (ft./1,000)."

(3) In IBC, Sections 1605.3.1 and 1605.3.2, exception 2 in each section is deleted and replaced with the following: "2. Flat roof snow loads of 30 pounds per square foot (1.44 kNm²) or less need not be combined with seismic loads. Where flat roof snow loads exceed 30 pounds per square foot (1.44 kNm²), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads. $[W_s]S$ as calculated below, shall be combined with seismic loads.

$[W_s]S = (0.20 + 0.025(A-5))P_f$ is greater than or equal to $0.20 P_f$.

Where:

$[W_s]S$ = Weight of snow to be ~~included~~ used in combination with seismic [calculations]loads

A = Elevation above sea level at the location of the structure (ft./1,000)

P_f = Design roof snow load, psf.

For the purpose of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f may be considered 1.0 for use in the formula for W_s ."

(4) IBC, Section 1608.1, is deleted and replaced with the following: "1608.1 General. Except as modified in Sections 1608.1.1, 1608.1.2, and 1608.1.3, design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607. Where the minimum live load, in accordance with Section 1607, is greater than the design roof snow load, P_r , such live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads, P_r , less than 20 psf."

(5) A new IBC, Section 1608.1.1, is added as follows: "1608.1.1 Ice Dams and Icicles along Eaves. Section 7.4.5 of Chapter 7 of ASCE 7 referenced in IBC Section 1608.1 ~~of the IBC~~ is deleted and replaced with the following: ~~[Section]7.4.5 Ice Dams and Icicles Along Eaves.~~ Where ground snow loads exceed 75 psf, eaves shall be capable of sustaining a uniformly distributed load of 2pf on all overhanging portions. No other loads except dead loads shall be present on the roof when this uniformly distributed load is applied. All building exits under down-slope eaves shall be protected from sliding snow and ice."

(6) ~~[A new IBC, Section 1608.1.2, [a new section] is added as follows: "1608.1.2 [Utah Snow Loads] Thermal Factor. [The snow loads specified in Table 1608.1.2(b) shall be used for the jurisdictions identified in that table. Otherwise, the ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S^2(A - A_o)^2)^{0.5}$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o .~~

~~WHERE:~~

~~P_g = Ground snow load at a given elevation (psf);~~

~~P_o = Base ground snow load (psf) from Table No. 1608.1.2(a);~~

~~S = Change in ground snow load with elevation (psf/100 ft.) From Table No. 1608.1.2(a);~~

~~A = Elevation above sea level at the site (ft./1,000);~~

~~A_o = Base ground snow elevation from Table 1608.1.2(a) (ft./1,000).~~

~~The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments.~~

~~Where the minimum roof live load in accordance with Section 1607.12 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.]The value for the thermal factor, Ct, used in calculation of pf shall be determined from Table 7.3-2 in ASCE 7. Exception: Except for unheated structures, the value of Ct need not exceed 1.0 when ground snow load, pg, is calculated using Section 1608.2.1."~~

(7) A new IBC, Section 1608.1.3 is added as follows: "1608.1.3 Drifts on Adjacent Structures. Section 7.7.2 of ASCE 7 referenced in IBC, Section 1608.1, is deleted and replaced with the following: 7.7.2 Adjacent Structures. At lower adjacent structures, the requirements of Section 7.7.1 shall be used to calculate windward and leeward drifts. The resulting drift is permitted to be truncated."

(8) A new IBC, Section 1608.2.1 is added as follows: "1608.2.1 Utah Ground Snow Loads. Section 7.2 of ASCE 7 referenced in IBC, Section 1608.1 is modified as follows:

(a) In paragraph 1, modify text as follows: "Site specific case studies shall. . . (see also Tables 7.2-2 through 7.2-9).

(b) On Figure 7.2-1, remove CS and other ground snow load values in the state of Utah. Add red shaded region for the state of Utah with the following note, "See note for Utah".

(c) On Figure 7.2-1, modify note as follows, "Note... for New Hampshire; see Table 7.2-9 for Utah.

(d) Add Table 7-2.9 as follows:

(7) IBC, Table 1608.1.2(a) and Table 1608.1.2(b), are added as follows:

"TABLE NO. 1608.1.2(a)
STATE OF UTAH – REGIONAL SNOW LOAD FACTORS

COUNTY	P _s	S	A _s
Beaver	43	63	6-2
Box Elder	43	63	5-2
Cache	50	63	4-5
Carbon	43	63	5-2
Daggett	43	63	6-5
Davis	43	63	4-5
Duchesne	43	63	6-5
Emery	43	63	6-0
Garfield	43	63	6-0
Grand	36	63	6-5
Iron	43	63	5-8
Juab	43	63	5-2
Kane	36	63	5-7
Millard	43	63	5-3
Morgan	57	63	4-5
Piute	43	63	6-2
Rich	57	63	4-1
Salt Lake	43	63	4-5
San Juan	43	63	6-5
Sanpete	43	63	5-2
Sevier	43	63	6-0
Summit	86	63	5-0
Tooele	43	63	4-5
Uintah	43	63	7-0
Utah	43	63	4-5
Wasatch	86	63	5-0
Washington	29	63	6-0
Wayne	36	63	6-5
Weber	43	63	4-5

TABLE NO. 1608.1.2(B)
REQUIRED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS^{1,2}

The following jurisdictions require design snow load values that differ from the Equation in the Utah Snow Load Study.

County	City	Elevation	Ground Snow Load (psf)	Roof Snow Load (psf) ⁶
Carbon	Price ³	5550	43	30
	All other county locations ⁵	--	--	--
Davis	Fruit Heights ³	4500-4850	57	40
Emery	Green River ³	4070	36	25
Garfield	Panguitch ³	6600	43	30

SPECIAL NOTICES

Rich	Woodruff ³	6315	57	40
	Laketown ⁴	6000	57	40
	Garden City ⁵	—	—	—
	Randolph ⁴	6300	57	40
San Juan	Monticello ³	6820	50	35
Summit	Coalville ³	5600	86	60
	Kamas ⁴	6500	114	80
Tooele	Tooele ³	5100	43	30
Utah	Orem ³	4650	43	30
	Pleasant ⁴	5000	43	30
	Provo ⁵	—	—	—
Wasatch	Heber ⁵	—	—	—
Washington	Leeds ³	3460	29	20
	Santa Clara ³	2850	21	15
	St. George ³	2750	21	15
	All other county-locations ⁵	—	—	—
Wayne	Loa ³	7080	43	30

—¹The IBC requires a minimum live load – See Section 1607.

—²This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation. Otherwise, contact the local Building Official.

—³Values adopted from Table VII of the Utah Snow Load Study.

—⁴Values based on site-specific study. Contact local Building Official for additional information.

—⁵Contact local Building Official.

—⁶Based on $C_e = 1.0$, $C_t = 1.0$ and $I_s = 1.0$]

“Table 7.2-9 Ground Snow Loads for Selected Locations in Utah

City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964
Loa	Wayne	37	7060
Logan	Cache	43	4531
Manila	Daggett	26	6368
Manti	Sanpete	37	5620
Moab	Grand	21	4029
Monticello	San Juan	67	7064
Morgan	Morgan	52	5062
Nephi	Juab	39	5131
Ogden	Weber	37	4334
Panguitch	Garfield	41	6630
Parowan	Iron	32	6007
Price	Carbon	31	5558
Provo	Utah	31	4541
Randolph	Rich	50	6286
Richfield	Sevier	27	5338
Saint George	Washington	21	2585
Salt Lake City	Salt Lake	28	4239

Tooele	Tooele	35	5029
Vernal	Uintah	39	5384

Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.

1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.

2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).

3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study", Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values."

~~(8) A new IBC, Section 1608.1.3, is added as follows: "1608.1.3 Thermal Factor. The value for the thermal factor, C_t, used in calculation of P_f, shall be determined from Table 7.3 in ASCE 7.~~

~~Exception: Except for unheated structures, the value of C_t need not exceed 1.0 when ground snow load, P_g, is calculated using Section 1608.1.2 as amended."~~

~~(9) IBC, Section 1608.2, is deleted and replaced with the following: "1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official."~~

~~[(10)](9) A new IBC, Section 1613.1.1, is added as follows: "1613.1.1 Effective Seismic Weight. In ASCE 12.7.2 and 12.14.8.1 [of Chapter 12 of ASCE 7] as referenced in Section 1613.1, Definition of W, Item 4 is deleted and replaced with the following:~~

~~4. Where [the] flat roof snow load, P_f, exceeds 30 psf, the snow load included in the effective seismic weight [design] shall be calculated, in accordance with the following [formula] equation: W_s = (0.20 + 0.025(A-5))P_f ≥ [is greater than or equal to] 0.20 P_f.~~

WHERE:

W_s = Weight of snow to be included [in seismic calculations] as effective seismic weight

A = Elevation above sea level at the location of the structure (ft./1,000)

P_f = Design roof snow load, psf.

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding. The Importance Factor, I, used in calculating P_f may be considered 1.0 for use in the formula for W_s."

~~(11) A new IBC, Section 1613.7, is added as follows: "1613.7 ASCE 7, Section 13.5.6.2.2 paragraph (e) is modified to read as follows: (e) Penetrations shall have a sleeve or adapter through the ceiling tile to allow for free movement of at least 1 inch (25 mm) in all horizontal directions.~~

~~Exceptions:~~

~~1. Where rigid braces are used to limit lateral deflections.~~

~~2. At fire sprinkler heads in frangible surfaces per NFPA 13."~~

Amended by Chapter 249, 2016 General Session

15A-3-108. Amendments to Chapters 17 through 19 of IBC.

(1) A new IBC, Section 1807.1.6.4, is added as follows: "1807.1.6.4 Empirical concrete foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1807.1.6.4."

(2) A new IBC, Table 1807.1.6.4 is added as follows:

"TABLE 1807.1.6.4
EMPIRICAL FOUNDATION WALLS (1,7,8)

Max Height	Top Edge Support	Min. Thickness	Vertical Steel (2)	Horizontal Steel (3)	Steel at Openings (4)	Max. Lintel Length	Min. Lintel Length
2'(610 mm)	None	6"	(5)	2- #4 Bars	2- #4 Bars above 1- #4 Bar each side	2'(610 mm)	2" for each foot of opening width;

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					1- #4 Bar below		min. 6"
3'(914 mm)	None	6"	#4@32"	3- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	2'(610 mm)	2" for each foot of opening width; min. 6"
4'(1,219 mm)	None	6"	#4@32"	4- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	3'(914 mm)	2" for each foot of opening width; min. 6"
6'(1,829 mm)	Floor or roof Diaphragm (6)	8"	#4@24"	5- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	6'(1,829 mm)	2" for each foot of opening width; min. 6"
8'(2,438 mm)	Floor or roof Diaphragm (6)	8"	#4@24"	6- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	6'(1,829 mm)	2" for each foot of opening width; min. 6"
9'(2,743 mm)	Floor or roof Diaphragm (6)	8"	#4@16"	7- #4 Bars	2- #4 Bars above 1- #4 Bar each side 1- #4 Bar below	6'(1,829 mm)	2" for each foot of opening width; min. 6"

Over 9'(2,743 mm), Engineering required for each column

Footnotes:

(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.

(2) To be placed in the center of the wall, and extended from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.

(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).

(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.

(5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.

(6) Diaphragm shall conform to the requirements of Section 2308.

(7) Footing shall be a minimum of nine inches thick by 20 inches wide.

(8) Soil backfill shall be soil classification types GW, GP, SW, or SP, per Table 1610.1. Soil shall not be submerged or saturated in groundwater."

(3) A new IBC, Section 1905.1.9, is added as follows: "1905.1.9 ACI 318, Table 4.2.1." Modify ACI 318, Table 19.3.1.1 to read as follows: In the portion of the table designated as "Conditions", the following Exposure category and class is deleted and replaced with the following:

"F0: Concrete elements not exposed to freezing and thawing cycles to include footing and foundation elements that are completely buried in soil."

Amended by Chapter 249, 2016 General Session

15A-3-109. Amendments to Chapters 20 through 22 of IBC.

IBC, Chapters 20 through 22 are not amended.

Enacted by Chapter 14, 2011 General Session

15A-3-110. Amendments to Chapters 23 through 25 of IBC.

(1) A new IBC, Section 2306.1.5, is added as follows: "2306.1.5 Load duration factors. The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Frequently Used Load Duration Factors, Cd, of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1,524 M)."

(2) ~~[In IBC, Section 2308.3.1, a new exception, 3, is added as follows: "3. Where foundation plates or sills are bolted or anchored to the foundation with not less than 1/2 inch (12.7 mm) diameter steel bolts or approved anchors, embedded at least 7 inches (178 mm) into concrete or masonry and spaced not more than 32 inches (816 mm) apart, there shall be a minimum of two bolts or anchor straps per piece located not less than 4 inches (102 mm) from each end of each piece. A properly sized nut and washer shall be tightened on each bolt to the plate."]~~

~~In IBC, Section 2308.3.1, the words "6 feet (1829 mm)" and "4 feet (1219 mm)" are deleted and replaced with the words "32 inches".~~

~~[_____(3) IBC, Section 2506.2.1, is deleted and replaced with the following: "2506.2.1 Other materials. Metal suspension systems for acoustical and lay-in panel ceilings shall conform with ASTM C635 listed in Chapter 35 and Section 13.5.6 of ASCE 7, as amended in Section 1613.5, for installation in high seismic areas."]~~

Amended by Chapter 249, 2016 General Session

15A-3-111. Amendments to Chapters 26 through 28 of IBC.

IBC, Chapters 26 through 28 are not amended.

Enacted by Chapter 14, 2011 General Session

15A-3-112. Amendments to Chapters 29 through 31 of IBC.

(1) In IBC [P] Table 2902.1 the following changes are made:

~~[_____(a) The title for [P] Table 2902.1 is deleted and replaced with the following: "[P] Table 2902.1, Minimum Number of Required Plumbing Facilities a, h".]~~

~~[(b)](a) In the row for "E" occupancy in the field for "OTHER" a new footnote i is added.~~

~~[(e)](b) In the row for "I-4" occupancy in the field for "OTHER" a new footnote i is added.~~

~~[(d)](c) A new footnote [h]g is added as follows: "FOOTNOTE: [h]g. When provided, subject to footnote [j]i, in public toilet facilities there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms."~~

~~[(e)](d) A new footnote [i]h is added to the table as follows: "FOOTNOTE [i]h Non-residential child care facilities shall comply with additional sink requirements of Utah Administrative Code [R430-100-4]R381-100-9, R381-70-9, and R381-60-9."~~

~~[(f)](e) A new footnote [j]i is added to the table as follows: "FOOTNOTE [j]i: A building owned by a state government entity or by a political subdivision of the state that allows access to the public shall provide diaper changing facilities in accordance with footnote h if:~~

1. the building is newly constructed; or
2. a bathroom in the building is renovated."

~~_____(f) Footnote f is deleted and replaced with the following: "FOOTNOTE f: The required number and type of plumbing fixtures for outdoor public swimming pools shall be in accordance with the Department of Health's regulation R392-302 Design, Construction, and Operation of Public Pools, Section 25 Restroom and Shower Facilities."~~

(2) A new IBC, Section [P]2902.7, is added as follows:

"[P]2902.7 Toilet Facilities for Workers.

Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the nonsewer type shall conform to ANSI Z4.3."

(3) In IBC, Section 3006.5, a new exception is added as follows: "Exception: Hydraulic elevators and roped hydraulic elevators with a rise of 50 feet or less."

Amended by Chapter 257, 2017 General Session

15A-3-113. Amendments to Chapters 32 through 35 of IBC.

(1) In IBC, Chapter 35, the referenced standard ICCA117.1-09, Section 606.2, Exception 1 is modified to include the following sentence at the end of the exception: "The minimum clear floor space shall be centered on the sink assembly."

~~[_____(2) The following referenced standard is added under UL in IBC, Chapter 35:]~~

Number	Title	Referenced in code section number
2034-2008	Standard of Single- and Multiple-station Carbon Monoxide Alarms	907.9

Amended by Chapter 249, 2016 General Session

**Part 2
Statewide Amendments to International Residential Code**

15A-3-201. General provision.

- (1) The amendments in this part are adopted as amendments to the IRC to be applicable statewide.
- (2) The statewide amendments to the following which may be applied to detached one- and two-family dwellings and multiple single-family dwellings shall be applicable to the corresponding provisions of the IRC:
 - (a) IBC under Part 1, Statewide Amendments to International Building Code;
 - (b) IPC under Part 3, Statewide Amendments to International Plumbing Code;
 - (c) IMC under Part 4, Statewide Amendments to International Mechanical Code;
 - (d) IFGC under Part 5, Statewide Amendments to International Fuel Gas Code;
 - (e) NEC under Part 6, Statewide Amendments to National Electrical Code; and
 - (f) IECC under Part 7, Statewide Amendments to International Energy Conservation Code.

Amended by Chapter 189, 2014 General Session

15A-3-202. Amendments to Chapters 1 through 5 of IRC.

- (1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2 Physical change for bedroom window egress. A structure whose egress window in an existing bedroom is smaller than required by this code, and that complied with the construction code in effect at the time that the bedroom was finished, is not required to undergo a physical change to conform to this code if the change would compromise the structural integrity of the structure or could not be completed in accordance with other applicable requirements of this code, including setback and window well requirements."
- (2) In IRC, Section 109:
 - (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant exterior wall envelope inspections. An inspection shall be made of the weather-resistant exterior wall envelope as required by Section R703.1 and flashings as required by Section R703.8 to prevent water from entering the weather-resistive barrier."
 - (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections; R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection; and R109.1.7 Final inspection.
- (3) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work; and shall state the conditions under which work will be permitted to resume."
- (4) In IRC, Section R202, the following definition is added: "CERTIFIED BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection 19-4-104(4)."
- (5) In IRC, Section R202, the definition for "CONDITIONED SPACE" is modified by deleting the words at the end of the sentence "being heated or cooled by any equipment or appliance" and replacing them with the following: "enclosed within the building thermal envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following means:
 - 1. Openings directly into an adjacent conditioned space.
 - 2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.
 - 3. Un-insulated duct, piping or other heat or cooling source within the space."
- (6) In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced with the following: "CROSS CONNECTION. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow, Water Distribution")."
- (7) In IRC, Section 202, in the definition for gray water a comma is inserted after the word "washers"; the word "and" is deleted; and the following is added to the end: "and clear water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without objectionable odors; non-highly pigmented; and will not interfere with the operation of the sewer treatment facility."

(8) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced with the following: "POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water Quality Act, and the regulations of the public health authority having jurisdiction."

(9) IRC, Figure R301.2(5), is deleted and replaced with Table R301.2(5[a]) [~~and Table R301.2(5b)~~] as follows:

"TABLE NO. R301.2(5[a])
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P _o	S	A _o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. R301.2(5b)
REQUIRED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS^{1,2}

The following jurisdictions require design snow load values that differ from the Equation in the Utah Snow Load Study.

County	City	Elevation	Ground-Snow Load (psf)	Roof-Snow Load (psf) ⁶
Carbon	Price ³	5550	43	30
	All other county locations ⁵	—	—	—
Davis	Fruit Heights ³	4500-4850	57	40
Emery	Green River ³	4070	36	25
Garfield	Panguitch ³	6600	43	30
Rich	Woodruff ³	6315	57	40
	Laketown ⁴	6000	57	40
	Garden City ⁵	—	—	—
	Randolph ⁴	6300	57	40
San Juan	Monticello ³	6820	50	35
Summit	Coalville ³	5600	86	60
	Kamas ⁴	6500	114	80

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Tooele	Tooele ³	5100	43	30
Utah	Orem ³	4650	43	30
	Pleasant ⁴	5000	43	30
	Provo ⁵	—	—	—
Wasatch	Heber ⁵	—	—	—
Washington	Leeds ³	3460	29	20
	Santa Clara ³	2850	21	15
	St. George ³	2750	21	15
	All other county locations ⁵	—	—	—
Wayne	Loa ³	7080	43	30

- _____ ¹The IRC requires a minimum live load — See R301.6.
- _____ ²This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation. Otherwise, contact the local Building Official.
- _____ ³Values adopted from Table VII of the Utah Snow Load Study
- _____ ⁴Values based on site-specific study. Contact local Building Official for additional information.
- _____ ⁵Contact local Building Official.
- _____ ⁶Based on $C_e = 1.0$, $C_t = 1.0$ and $I_s = 1.0$ "]

City/Town	County	Ground Snow Load (lb/ft ²)	Elevation (ft)
Beaver	Beaver	35	5886
Brigham City	Box Elder	42	4423
Castle Dale	Emery	32	5669
Coalville	Summit	57	5581
Duchesne	Duchesne	39	5508
Farmington	Davis	35	4318
Fillmore	Millard	30	5138
Heber City	Wasatch	60	5604
Junction	Piute	27	6030
Kanab	Kane	25	4964
Loa	Wayne	37	7060
Logan	Cache	43	4531
Manila	Daggett	26	6368
Manti	Sanpete	37	5620
Moab	Grand	21	4029
Monticello	San Juan	67	7064
Morgan	Morgan	52	5062
Nephi	Juab	39	5131
Ogden	Weber	37	4334
Panguitch	Garfield	41	6630
Parowan	Iron	32	6007
Price	Carbon	31	5558
Provo	Utah	31	4541
Randolph	Rich	50	6286
Richfield	Sevier	27	5338
Saint George	Washington	21	2585
Salt Lake City	Salt Lake	28	4239
Tooele	Tooele	35	5029
Vernal	Uintah	39	5384

- Note: To convert lb/ft² to kN/m², multiply by 0.0479. To convert feet to meters, multiply by 0.3048.
1. Statutory requirements of the Authority Having Jurisdiction are not included in this state ground snow load table.
 2. For locations where there is substantial change in altitude over the city/town, the load applies at and below the cited elevation, with a tolerance of 100 ft (30 m).
 3. For other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study", Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values."

(10) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah Snow Loads. The snow loads specified in Table R301.2(5[b]) shall be used for the jurisdictions identified in that table. Otherwise, for other locations in Utah, see Bean, B., Maguire, M., Sun, Y. (2018), "The Utah Snow Load Study", Utah State University Civil and Environmental Engineering Faculty Publications, Paper 3589, <http://utahsnowload.usu.edu/>, for ground snow load values. [the ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o/2 + S2(A - A_o)/2)0.5$ for A greater than A_o , and $P_g = P_o$ for A less than or equal to A_o ;

WHERE:

P_g = Ground snow load at a given elevation (psf);

P_o = Base ground snow load (psf) from Table No. R301.2(5a);

S = Change in ground snow load with elevation (psf/100 ft.) From Table No. R301.2(5a);

A = Elevation above sea level at the site (ft./1,000);

A_o = Base ground snow elevation from Table R301.2(5a) (ft./1,000).

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments.

Where the minimum roof live load in accordance with Table R301.6 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.]

(11) In IRC, Section R302.2, the following sentence is inserted after the second sentence: "Plumbing, mechanical, ducting, gas piping and electrical service conductors including feeders, shall not penetrate the common wall at grade, above grade, or below grade."

[(11)](12) In IRC, Section R302.5.1, the words "self-closing device" are deleted and replaced with "self-latching hardware".

[(12)](13) IRC, Section R302.13, is deleted.

[(13)](14) In IRC, Section R303.4, the number "5" is changed to "3" in the first sentence.

[(14)](15) IRC, Sections R311.7.4 through R311.7.5.3, are deleted and replaced with the following: "R311.7.4 Stair treads and risers. R311.7.5.1 Riser height. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.5.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.5.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions.

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less."

[(15)](16) IRC, Section R312.2, is deleted.

[(16)](17) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the following: "R313.1 Design and installation. When installed, automatic residential fire sprinkler systems for townhouses or one- and two-family dwellings shall be designed and installed in accordance with Section P2904 or NFPA 13D."

[(17)](18) In IRC, Section 315.3, the following words are added to the first sentence after the word "installed": "on each level of the dwelling unit and".

[(18)](19) In IRC, Section R315.5, a new exception, 3, is added as follows:

"3. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring, without the removal of interior finishes."

[(19)](20) A new IRC, Section R315.7, is added as follows: " R315.7 Interconnection. Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual

unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes."

~~[(20)]~~(21) In IRC, Section R403.1.6, a new Exception 3 is added as follows: " 3. When anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines, and at all exterior walls."

~~[(21)]~~(22) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2 and Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816 mm) apart, anchor bolts may be placed with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from each end of each plate section at interior bearing walls, interior braced wall lines, and at all exterior walls."

~~[(22)]~~(23) In IRC, Section R404.1, a new exception is added as follows: "Exception: As an alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

~~[(23)]~~(24) In IRC, Section R405.1, a new exception is added as follows: "Exception: When a geotechnical report has been provided for the property, a drainage system is not required unless the drainage system is required as a condition of the geotechnical report. The geological report shall make a recommendation regarding a drainage system."

Amended by Chapter 236, 2017 General Session

15A-3-203. Amendments to Chapters 6 through 15 of IRC.

(1) In IRC, Section N1101.5 (R103.2), all words after the words "herein governed." are deleted and replaced with the following: "Construction documents include all documentation required to be submitted in order to issue a building permit."

(2) In IRC, Section N1101.12 (R303.3), all wording after the first sentence is deleted.

(3) In IRC, Section N1101.13 (R401.2), add Exception as follows: "Exception: A project complies if the project demonstrates compliance, using the software RESCheck 2012 Utah Energy Conservation Code, of:

(a) on or after January 1, 2017, and before January 1, 2019, "3 percent better than code";

(b) on or after January 1, 2019, and before January 1, 2021, "4 percent better than code"; and

(c) after January 1, 2021, "5 percent better than code".

(4) In IRC, Table N1102.2 (R402.1.2), in the column titled MASS WALL R-VALUE, a new footnote j is added as follows: "j. Log walls complying with ICC400 and with a minimum average wall thickness of 5 inches or greater shall be permitted in Zones 5 through 8 when overall window glazing has a .31 U-factor or lower, minimum heating equipment efficiency is 90 AFUE (gas) or 84 AFUE (oil), and all other component requirements are met."

(5) In IRC, Section N1102.4.1 (R402.4.1), in the first sentence, the word "and" is deleted and replaced with the word "or".

(6) In IRC, Section N1102.4.1.1 (R402.4.1.1), the last sentence is deleted and replaced with the following: "Where allowed by the code official, the builder may certify compliance to components criteria for items which may not be inspected during regularly scheduled inspections."

(7) In IRC, Section N1102.4.1.2 (R402.4.1.2), the following changes are made:

(a) In the first sentence:

(i) on or after January 1, 2019, and before January 1, 2021, replace the word "five" with "3.5"; and

(ii) after January 1, 2021, replace the word "five" with "three."

(b) In the first sentence, the words "in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8" are deleted.

(c) In the third sentence, the word "third" is deleted

(d) The following sentence is inserted after the third sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."

(8) In IRC, Section N1103.3.3 (R403.3.3):

(a) the exception for duct air leakage testing is deleted; and

(b) the exception for duct air leakage is replaced:

(i) on or after January 1, 2017, and before January 1, 2019, with the following: "Exception: The duct air leakage test is not required for systems with all air handlers and at least 65% of all ducts (measured by length) located entirely within the building thermal envelope.;"

(ii) on or after January 1, 2019, and before January 1, 2021, with the following: "Exception: The duct air leakage test is not required for systems with all air handlers and at least 75% of all ducts (measured by length) located entirely within the building thermal envelope.;" and

(iii) on or after January 1, 2021, with the following: "Exception: The duct air leakage test is not required for systems with all air handlers and at least 80% of all ducts (measured by length) located entirely within the building thermal envelope."

(9) In IRC, Section N1103.3.3 (R403.3.3), the following is added after the exception: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed either training provided by Duct Test equipment manufacturers or other comparable training."

(10) In IRC, Section N1103.3.4 (R403.3.4):

(a) in Subsection 1, the number 4 is changed to 8, the number 113.3 is changed to 170, the number 3 is changed to 6, the number 85 is changed to 114.6; and

(b) in Subsection 2:

(i) on or after January 1, 2017, and before January 1, 2019, the number 4 is changed to 8 and the number 113.3 is changed to 226.5;

(ii) on or after January 1, 2019, and before January 1, 2021, the number 4 is changed to 7 and the number 113.3 is changed to 198.2; and

(iii) on or after January 1, 2021, the number 4 is changed to 6 and the number 113.3 is changed to 169.9.

(11) In IRC, Section N1103.3.5 (R403.3.5), the words "or plenums" are deleted.

(12) A new IRC, Section N1103.3.6 (R403.3.6), is added as follows: "N1103.3.6 (R403.3.6) Ducts buried within ceiling insulation. Where supply and return air ducts are partially or completely buried in ceiling insulation, such ducts shall comply with all of the following:

1. The supply and return ducts shall have an insulation R-value not less than R-8.

2. At all points along each duct, the sum of the ceiling insulation R-value against and above the top of the duct, and against and below the bottom of the duct shall be not less than R-19, excluding the R-value of the duct insulation.

3. In Climate Zone 1A, 2A, and 3A, the supply ducts shall be completely buried within ceiling insulation, insulated to an R-value of not less than R-13 and in compliance with the vapor retarder requirements of Section 604.11 of the International Mechanical Code or Section N1601.4.6 of the International Residential Code, as applicable.

Exception: Sections of the supply duct that are less than 3 feet (914mm) from the supply outlet shall not be required to comply with these requirements.

N1103.3.6.1 (R403.3.6.1) Effective R-value of deeply buried ducts. Where using a simulated energy performance analysis, sections of ducts that are: installed in accordance with Section N1103.3.6 (R403.3.6); located directly on, or within 5.5 inches (140mm) of the ceiling; surrounded with blown-in attic insulation have an R-value of R-30 or greater and located such that the top of the duct is not less than 3.5 inches (89 mm) below the top of the insulation, shall be considered as having an effective duct insulation R-value of R-25."

(13) A new IRC, Section N1103.3.7 (R403.3.7), is added as follows: "N1103.3.7 (R403.3.7) Ducts located in conditioned space. For ducts to be considered as inside a conditioned space, such ducts shall comply with either of the following:

1. The duct system shall be located completely within the continuous air barrier and within the building thermal envelope.

2. The ducts shall be buried within ceiling insulation in accordance with Section N1103.3.6 (R403.3.3.6) and all of the following conditions shall exist:

2.1 The air handler is located completely within the continuous air barrier and within the building envelope.

2.2 The duct leakage, as measured either by a rough-in test of the ducts or a post-construction total system leakage test to outside the building thermal envelope in accordance with Section N1103.3.4 (R403.3.4), is less than or equal to 1.5 cubic feet per minute (42.5 L/min) per 100 square feet (9.29 m²) of conditioned floor area served by the duct system."

[(12)](14) In IRC, Section N1103.5.3 (R403.5.3), Subsection 5 is deleted and Subsections 6 and 7 are renumbered.

(15) IRC, Section N1103.6.1 (R403.6.1), is deleted and replaced with the following: "N1103.6.1 (R403.6.1) Whole-house mechanical ventilation system fan efficacy. Fans used to provide whole-house mechanical ventilation shall meet the efficacy requirements of Table N1103.6.1 (R403.6.1).

Exception: Where an air handler that is integral to tested and listed HVAC equipment is used to provide whole-house mechanical ventilation, the air handler shall be powered by an electronically commutated motor."

(16) IRC, Section N1104.1 (R404.1) is deleted and replaced with the following: "N1104.1 (R404.1) Lighting equipment (Mandatory). Not less than 90 percent of the permanently installed lighting fixtures shall contain only high-efficacy lamps."

[(13)](17) IRC, Section N1106.4 (R406.4), the table is deleted and replaced with the following:

TABLE N1106.4 (R406.4)
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	65
5	69
6	68

(18) In IRC, Table N1106.4 (R406.4) Maximum Energy Rating Index, a new footnote a. is added as follows: "a. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4 (R406.4), the building shall meet the mandatory requirements of Section N1106.2 (R406.2), and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table (402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code.

~~[(14)](19)~~ In IRC, Section M1307.2, the words "In Seismic Design Categories D0, D1, and D2, and in townhouses in Seismic Design Category C", are deleted, and in Subparagraph 1, the last sentence is deleted.

~~[(15)](20)~~ IRC, Section M1411.8, is deleted.

Amended by Chapter 249, 2016 General Session

15A-3-204. Amendments to Chapters 16 through 25 of IRC.

A new IRC, Section G2401.2, is added as follows: "G2401.2 Meter Protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must provide access for service and comply with the IBC or the IRC."

Amended by Chapter 249, 2016 General Session

15A-3-205. Amendments to Chapters 26 through 35 of IRC.

(1) A new IRC, Section P2602.3, is added as follows: "P2602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized, provided that the source has been developed in accordance with Utah Code, Sections 73-3-1 and 73-3-25, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction."

(2) A new IRC, Section P2602.4, is added as follows: "P2602.4 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is accessible and is within 300 feet of the property line in accordance with Utah Code, Section 10-8-38; or an approved private sewage disposal system in accordance with Utah Administrative Code, Chapter 4, Rule R317, as administered by the Department of Environmental Quality, Division of Water Quality."

~~(3) In IRC, Section P2705, Item 5, the words "lavatory" and "lavatories" are deleted.~~

(4) In IRC, Section P2705, a new Item 6 is added as follows: "6. Lavatories. A lavatory shall not be set closer than 12 inches from its center to any side wall or partition. A lavatory shall be provided with a clearance of 24 inches in width and 21 inches in depth in front of the lavatory to any side wall, partition or obstruction. Remaining item numbers are renumbered accordingly."

~~[(3)](5)~~ In IRC, Section P2801.8, all words in the first sentence up to the word "water" are deleted.

~~[(4)](6)~~ A new IRC, Section P2902.1.1, is added as follows: "P2902.1.1 Backflow assembly testing. The premise owner or the premise owner's designee shall have backflow prevention assemblies operation tested in accordance with administrative rules made by the Drinking Water Board at the time of installation, repair, and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly. Third-party certification for backflow prevention assemblies will consist of any combination of two certifications, laboratory or field. Acceptable third-party laboratory certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently provides the only field testing of backflow protection assemblies. Also see www.drinkingwater.utah.gov and rules made by the Drinking Water Board."

~~[(5)](7)~~ In IRC, Section P2902.1, the following subsections are added as follows:

"P2902.1.1 General Installation Criteria. Assemblies shall not be installed more than five feet above the floor unless a permanent platform is installed. The assembly owner, where necessary, shall provide devices or structures to facilitate testing, repair, and maintenance, and to insure the safety of the backflow technician.

P2902.1.2 Specific Installation Criteria.

P2902.1.2.1 Reduced Pressure Principle Backflow Prevention Assembly. The reduced pressure principle backflow prevention assembly shall be installed as follows:

a. The assembly may not be installed in a pit.

b. The relief valve of the assembly shall not be directly connected to a waste disposal line, including a sanitary sewer, a storm drain, or a vent.

c. The assembly shall be installed in a horizontal position only, unless listed or approved for vertical installation in accordance with Section 303.4.

d. The bottom of the assembly shall be installed a minimum of 12 inches above the floor or ground.

e. The body of the assembly shall be a minimum of 12 inches from any wall, ceiling, or obstacle, and shall be readily accessible for testing, repair, and maintenance.

P2902.1.2.2 Double Check Valve Backflow Prevention Assembly.

A double check valve backflow prevention assembly shall be installed as follows:

- a. The assembly shall be installed in a horizontal position only, unless listed or approved for vertical installation.
- b. The bottom of the assembly shall be a minimum of 12 inches above the ground or floor.
- c. The body of the assembly shall be a minimum of 12 inches from any wall, ceiling, or obstacle, and shall be readily accessible for testing, repair, and maintenance.
- d. If installed in a pit, the assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault, including the floor and roof or ceiling, with adequate room for testing and maintenance.

P2902.1.2.3 Pressure Vacuum Break Assembly and Spill Resistant Pressure Vacuum Breaker Assembly.

A pressure vacuum break assembly or a spill resistant pressure vacuum breaker assembly shall be installed as follows:

- a. The assembly shall not be installed in an area that could be subject to backpressure or back drainage conditions.
- b. The assembly shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
- c. The assembly shall be a minimum of 12 inches from any wall, ceiling, or obstacle, and shall be readily accessible for testing, repair, and maintenance.
- d. The assembly shall not be installed below ground, in a vault, or in a pit.
- e. The assembly shall be installed in a vertical position."

~~[(6)](8)~~ In IRC, Section P2903.9.3, the first sentence is deleted and replaced with the following: "Unless the plumbing appliance or plumbing fixture has a wall-mount valve, shutoff valves shall be required on each fixture supply pipe to each plumbing appliance and to each plumbing fixture other than bathtubs and showers."

~~[(7)](9)~~ IRC, Section P2910.5, is deleted and replaced with the following:

"P2910.5 Potable water connections.

When a potable water system is connected to a nonpotable water system, the potable water system shall be protected against backflow by a reduced pressure backflow prevention assembly or an air gap installed in accordance with Section 2901."

~~[(8)](10)~~ IRC, Section P2910.9.5, is deleted and replaced with the following:

"P2910.9.5 Makeup water.

Where an uninterrupted nonpotable water supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by means of an air gap not less than 4 inches (102 millimeters) above the overflow or by a reduced pressure backflow prevention assembly installed in accordance with Section 2902."

~~[(9)](11)~~ In IRC, Section P2911.12.4, the following words are deleted: "and backwater valves".

~~[(10)](12)~~ In IRC, Section P2912.15.6, the following words are deleted: "and backwater valves".

~~[(11)](13)~~ In IRC, Section P2913.4.2, the following words are deleted: "and backwater valves".

~~[(12)](14)~~ IRC, Section P3009, is deleted and replaced with the following:

"P3009 Connected to nonpotable water from on-site water reuse systems.

Nonpotable systems utilized for subsurface irrigation for single-family residences shall comply with the requirements of R317-401, UAC, Graywater [Water]Systems."

~~[(13)](15)~~ In IRC, Section P3103.6, the following sentence is added at the end of the paragraph: "Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward."

~~[(14)](16)~~ In IRC, Section P3104.4, the following sentence is added at the end of the paragraph: "Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent."

Amended by Chapter 249, 2016 General Session

15A-3-206. Amendments to Chapters 39, 44, and Appendix F of IRC.

(1) In IRC, Section E3705.4.5, the following words are added after the word "assemblies": "with underground conductors 10 AWG and smaller".

(2) In IRC, Section E3901.9, the following exception is added:

"Exception: Receptacles or other outlets adjacent to the exterior walls of the garage, outlets adjacent to an exterior wall of the garage, or outlets in a storage room with entry from the garage may be connected to the garage branch circuit."

(3) IRC, Section E3902.16 is deleted.

(4) In Section E3902.17:

(a) following the word "Exception" the number "1." is added; and

(b) at the end of the section, the following sentences are added:

"2. This section does not apply for a simple move or an extension of a branch circuit or an outlet which does not significantly increase the existing electrical load. This exception does not include changes involving remodeling or additions to a residence."

(5) IRC, Chapter 44, is amended by adding the following reference standard:

"Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table P2902.3"

(6)(a) When passive radon controls or portions thereof are voluntarily installed, the voluntary installation shall comply with Appendix F of the IRC.

(b) An additional inspection of a voluntary installation described in Subsection (6)(a) is not required.

Amended by Chapter 236, 2017 General Session

**Part 3
Statewide Amendments to International Plumbing Code**

15A-3-301. General provision.

The amendments in this part are adopted as amendments to the IPC to be applicable statewide.

Enacted by Chapter 14, 2011 General Session

15A-3-302. Amendments to Chapters 1 and 2 of IPC.

~~[(1)]~~ (1) A new IPC, Section 101.2.1, is added as follows: "For clarification, the International Private Sewage Disposal Code is not part of the plumbing code even though it is in the same printed volume."

~~[(2)]~~ (1) In IPC, Section 202, the definition for "Backflow Backpressure, Low Head" is deleted.

~~[(3)]~~ (2) In IPC, Section 202, the following definition is added: "Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Utah Code, Subsection 19-4-104(4)."

~~[(4)]~~ (3) In IPC, Section 202, the following definition is added: "Contamination (High Hazard). An impairment of the quality of the potable water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste."

~~[(5)]~~ (4) In IPC, Section 202, the definition for "Cross Connection" is deleted and replaced with the following: "Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow")."

~~[(6)]~~ (5) In IPC, Section 202, the following definition is added: "Deep Seal Trap. A manufactured or field fabricated trap with a liquid seal of 4" or larger."

~~[(7)]~~ (6) In IPC, Section 202, the definition for "Essentially Nontoxic Transfer Fluid" is deleted and replaced with the following: "ESSENTIALLY NONTOXIC TRANSFER FLUID. Fluids having a Gosselin rating of 1, including propylene glycol; and mineral oil."

~~[(8)]~~ (7) In IPC, Section 202, the definition for "Essentially Toxic Transfer Fluid" is deleted and replaced with the following:

"ESSENTIALLY TOXIC TRANSFER FLUID. Soil, waste, or gray water; and any fluid that is not an essentially nontoxic transfer fluid under this code."

~~[(9)]~~ (8) In IPC, Section 202, the following definition is added: "High Hazard. See Contamination."

~~[(10)]~~ (9) In IPC, Section 202, the following definition is added: "Low Hazard. See Pollution."

(10) In IPC, Section 202, the following definition is added: "Motor Vehicle Waste Disposal Well. An injection well that discharges to the subsurface by way of a floor drain, septic system, French drain, dry well, or similar system that receives or has received fluid from a facility engaged in vehicular repair or maintenance activities, including an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop, or any other facility that does any vehicular repair work. A motor vehicle waste disposal well is subject to rulemaking under Section 1-5-104 regarding underground injection."

(11) In IPC, Section 202, the following definition is added: "Pollution (Low Hazard). An impairment of the quality of the potable water to a degree that does not create a hazard to the public health but that does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use."

(12) In IPC, Section 202, the definition for "Potable Water" is deleted and replaced with the following: "Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Utah Code, Title 19, Chapter 4, Safe Drinking Water Act, and Title 19, Chapter 5, Water Quality Act, and the regulations of the public health authority having jurisdiction."

Amended by Chapter 249, 2016 General Session

15A-3-303. Amendments to Chapter 3 of IPC.

(1) In IPC, Section 303.4, the following exception is added:

"Exception: Third-party certification for backflow prevention assemblies will consist of any combination of two certifications, laboratory or field. Acceptable third party laboratory certifying agencies are ASSE, IAPMO, and USC-FCCCHR. USC-FCCCHR currently provides the only field testing of backflow protection assemblies. Also see www.drinkingwater.utah.gov and Division of Drinking Water Rule, Utah Administrative Code, R309-~~305-6~~105-12(4)."

(2) IPC, Section 311.1, is deleted.

(3) In IPC, Section 312.3, the following is added at the end of the paragraph: "Where water is not available at the construction site or where freezing conditions limit the use of water on the construction site, plastic drainage and vent pipe may be permitted to be tested with air. The following procedures shall be followed:

1. Contractor shall recognize that plastic is extremely brittle at lower temperatures and can explode, causing serious injury or death.
2. Contractor assumes all liability for injury or death to persons or damage to property or for claims for labor and/or material arising from any alleged failure of the system during testing with air or compressed gasses.
3. Proper personal protective equipment, including safety eyewear and protective headgear, should be worn by all individuals in any area where an air or gas test is being conducted.
4. Contractor shall take all precautions necessary to limit the pressure within the plastic piping.
5. No drain and vent system shall be pressurized in excess of 6 psi as measured by accurate gauges graduated to no more than three times the test pressure.
6. The pressure gauge shall be monitored during the test period, which should not exceed 15 minutes.
7. At the conclusion of the test, the system shall be depressurized gradually, all trapped air or gases should be vented, and test balls and plugs should be removed with caution."

(4) In IPC, Section 312.5, the following is added at the end of the paragraph:

"Where water is not available at the construction site or where freezing conditions limit the use of water on the construction site, plastic water pipes may be permitted to be tested with air. The following procedures shall be followed:

1. Contractor shall recognize that plastic is extremely brittle at lower temperatures and can explode, causing serious injury or death.
2. Contractor assumes all liability for injury or death to persons or damage to property or for claims for labor and/or material arising from any alleged failure of the system during testing with air or compressed gasses.
3. Proper personal protective equipment, including safety eyewear and protective headgear, should be worn by all individuals in any area where an air or gas test is being conducted.
4. Contractor shall take all precautions necessary to limit the pressure within the plastic piping.
5. Water supply systems shall be pressure tested to a minimum of 50 psi but not more than 80 psi as measured by accurate gauges graduated to no more than three times the test pressure.
6. The pressure gauge shall be monitored during the test period, which should not exceed 15 minutes.
7. At the conclusion of the test, the system shall be depressurized gradually, all trapped air or gases should be vented, and test balls and plugs should be removed with caution."

(5) A new IPC, Section 312.10.3, is added as follows: "312.10.3 Tester Qualifications. Testing shall be performed by a Utah Certified Backflow Preventer Assembly Tester in accordance with Utah Administrative Code, R309-305."

Amended by Chapter 249, 2016 General Session

15A-3-304. Amendments to Chapter 4 of IPC.

(1) In IPC, Table 403.1, the following changes are made:

~~[(a)]~~ (a) The title for Table 403.1 is deleted and replaced with the following: "Table 403.1, Minimum Number of Required Plumbing Fixtures^{a-h};"

~~[(b)]~~ (a) In row number "3", ~~[for "E" occupancy,]~~ in the field for "OTHER", a new footnote [g]h is added.

~~[(e)]~~ (b) In row number "5", for "~~[4-]Adult day care and child day care~~" occupancy, in the field for "OTHER", a new footnote [g]h is added.

~~[(c)]~~ Footnote f is deleted and replaced with the following: "FOOTNOTE f: The required number and type of plumbing fixtures for outdoor public swimming pools shall be in accordance with the Department of Health's regulation R392-302 Design, Construction, and Operation of Public Pools, Section 25 Restroom and Shower Facilities."

(d) A new footnote [f]g is added as follows: "FOOTNOTE: [f.]g. When provided, in public toilet facilities, there shall be an equal number of diaper changing facilities in male toilet rooms and female toilet rooms. Diaper changing facilities shall meet the requirements of ASTM F2285-04 (2010) Standard Consumer Safety Performance Specifications for Diaper Changing Tables for Commercial Use."

(e) A new footnote [g]h is added to the table as follows: "FOOTNOTE [g]h: Non-residential child care facilities shall comply with the additional sink requirements [for sinks in]of Utah [a]Administrative [rule made by the Department of Health-] Code R381-100-9, R381-70-9, and R381-60-9."

(2) A new IPC, Section 406.3, is added as follows: "406.3 Automatic clothes washer safe pans. Safe pans, when installed under automatic clothes washers, shall be installed in accordance with Section 504.7."

(3) A new IPC, Section [442.5]413.5 is added as follows: "[442.5]413.5 Public toilet rooms. All public toilet rooms [in-A & E occupancies and M occupancies with restrooms having multiple water closets or urinals-]shall be equipped with at least one floor drain."

(4) A new IPC, Section 413.6 is added as follows: "Prohibition of motor vehicle waste disposal wells. New and existing motor vehicle waste disposal wells are prohibited. A motor vehicle waste disposal well associated with a single family residence is not subject to this prohibition."

(5) IPC, Section 423.3, is deleted.

Amended by Chapter 249, 2016 General Session

15A-3-305. Amendments to Chapter 5 of IPC.

(1) IPC, Section 502.4, is deleted and replaced with the following: "502.4 Seismic supports. As a minimum requirement, water heaters shall be anchored or strapped to resist horizontal displacement caused by earthquake motion. Strapping shall be at points within the upper one-third and lower one-third of the appliance's vertical dimensions. "

(2) In IPC, Section 504.6, a new number 15. is added as follows: "15. Be installed as per manufacturer's installation instructions, not to exceed 180 degrees in directional change."

[2](3) In IPC, Section 504.7.2, the following is added at the end of the section: "When permitted by the code official, the pan drain may be directly connected to a soil stack, waste stack, or branch drain. The pan drain shall be individually trapped and vented as required in Section 907.1. The pan drain shall not be directly or indirectly connected to any vent. The trap shall be provided with a trap primer conforming to ASSE 1018 or ASSE 1044, a barrier type floor drain trap seal protection device meeting ASSE 1072, or a deep seal p-trap."

[3](4) A new IPC, Section 504.7.3, is added as follows: "504.7.3 Pan Designation. A water heater pan shall be considered an emergency receptor designated to receive the discharge of water from the water heater only and shall not receive the discharge from any other fixtures, devices, or equipment."

Amended by Chapter 249, 2016 General Session

15A-3-306. Amendments to Chapter 6 of IPC.

(1) IPC, Section 602.3, is deleted and replaced with the following: "602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Utah Code, Sections 73-3-1, 73-3-3, and 73-3-25, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter."

(2) IPC, Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5, and 602.3.5.1, are deleted.

(3) A new IPC, Section 604.4.1, is added as follows: "604.4.1 Manually operated metering faucets for food service establishments. Self closing or manually operated metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet."

(4) IPC, Section 606.5, is deleted and replaced with the following: "606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11."

(5) A new IPC, Section 606.5.11, is added as follows: "606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than the minimum water pressure specified in Utah Administrative Code R309-105-9."

(6) In IPC, Section 608.1, the words "and pollution" are added after the word "contamination."

(7) In IPC, Section 608.1, the following subsections are added as follows:

"608.1.1 General Installation Criteria.

An assembly shall not be installed more than five feet above the floor unless a permanent platform is installed. The assembly owner, where necessary, shall provide devices or structures to facilitate testing, repair, and maintenance [and to insure the safety of the backflow technician].

608.1.2 Specific Installation Criteria.

608.1.2.1 Reduced Pressure Principle Backflow Prevention Assembly.

A reduced pressure principle backflow prevention assembly shall be installed as follows:

- a. The assembly shall not be installed in a pit or below grade where the relief port could be submerged in water, or where fumes could be present at the relief port discharge.
- b. The relief valve of the assembly shall not be directly connected to a waste disposal line, including a sanitary sewer, storm drain, or vent.
- c. The assembly shall be installed in a horizontal position, unless the assembly is listed or approved for vertical installation in accordance with Section 303.4.
- d. The bottom of each assembly shall be installed a minimum of 12 inches above the ground or the floor.
- e. The body of the assembly shall be a minimum of 12 inches from any wall, ceiling, or obstacle, and shall be readily accessible for testing, repair, and maintenance.

608.1.2.2 Double Check Valve Backflow Prevention Assembly.

A double check valve backflow prevention assembly shall be installed as follows:

- a. The assembly shall be installed in a horizontal position unless the assembly is listed or approved for vertical installation.
- b. The bottom of the assembly shall be a minimum of 12 inches above the ground or the floor.
- c. The body of the assembly shall be a minimum of 12 inches from any wall, ceiling, or obstacle, and shall be readily accessible for testing, repair, and maintenance.
- d. If installed in a pit, the assembly shall be installed with a minimum of 12 inches of clearance around all sides of the vault, including the floor and roof or ceiling, with adequate room for testing and maintenance.

608.1.2.3 Pressure Vacuum Breaker Assembly and Spill Resistant Pressure Vacuum Breaker Assembly.

A pressure vacuum breaker assembly and spill resistant pressure vacuum breaker assembly shall be installed as follows:

- a. The assembly shall not be installed in an area that could be subject to backpressure or back drainage conditions.
- b. The assembly shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
- c. The assembly shall be a minimum of 12 inches from any wall, ceiling, or obstacle, and shall be readily accessible for testing, repair, and maintenance.
- d. The assembly shall not be installed below ground or in a vault or pit.
- e. The assembly shall be installed in a vertical position."

(8) In IPC, Section 608.3, the word "and" ~~[after]~~before the word "contamination" is deleted and replaced with a comma and the words "[and] or pollution" are added after the word "contamination" in the first sentence.

(9) In IPC, Section 608.~~[5]~~[6], the words "with the potential to create a condition of either contamination or pollution or" are added after the word "substances".

(10) In IPC, Section 608.~~[6]~~[7], the following sentence is added at the end of the paragraph: "Any connection between potable water piping and sewer-connected waste shall be protected by an air gap in accordance with Section 608.~~[43]~~[14].1."

(11) IPC, Section 608.~~[7]~~[8], is deleted and replaced with the following: "608.~~[7]~~[8] Stop and Waste Valves installed below grade. Combination stop-and-waste valves shall be permitted to be installed underground or below grade. Freeze proof yard hydrants that drain the riser into the ground are considered to be stop-and-waste valves and shall be permitted. A stop-and-waste valve shall be installed in accordance with a manufacturer's recommended installation instructions."

~~[(12)]~~ In IPC, Section 608.11, the following sentence is added at the end of the paragraph: "The coating and installation shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturer's instructions."

~~[(13)]~~[(12)] IPC, Section 608.~~[43]~~[14].3, is deleted and replaced with the following: "608.~~[43]~~[14].3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CSA CAN/CSA-B64.3. These devices shall be permitted to be installed on residential boilers only, without chemical treatment, where subject to continuous pressure conditions, and humidifiers in accordance with Section 608.17.10. The relief opening shall discharge by air gap and shall be prevented from being submerged."

~~[(14)]~~[(13)] IPC, Section 608.~~[43]~~[14].4, is deleted.

~~[(15)]~~ IPC, Section 608. ~~13.9~~, is deleted and replaced with the following: "608.13.9 Chemical dispenser backflow devices. Backflow devices for chemical dispensers shall comply with Section 608.16.7."

~~[(16)]~~[(14)] IPC, Section 608.~~[45]~~[16].3, is deleted and replaced with the following: "608.~~[45]~~[16].3 Protection by a backflow preventer with intermediate atmospheric vent. Connections to residential boilers only, without chemical treatment, and humidifiers shall be protected by a backflow preventer with an intermediate atmospheric vent."

~~[(17)]~~[(15)] IPC, Section 608.~~[45]~~[16].4, is deleted and replaced with the following: "608.~~[45]~~[16].4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Fill valves shall be set in accordance with Section 425.3.1. Atmospheric Vacuum Breakers - The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor, or device served. No valves shall be installed downstream of the atmospheric vacuum breaker. The atmospheric vacuum breaker shall not be installed where it may

be subjected to continuous pressure for more than 12 consecutive hours at any time. Pressure Vacuum Breaker - The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level of the fixture or device."

[(18)](16) In IPC, Section 608.[45]16.4.2, the following is added after the first sentence: "Add-on-backflow prevention devices shall be non-removable. In climates where freezing temperatures occur, a listed self-draining frost proof hose bibb with an integral backflow preventer shall be used."

(17) In IPC, Section 608.17.1.2, the words "or ASSE 1024" are deleted.

[(19)](18) IPC, Section 608.[46]17.2, is deleted and replaced as follows: "608.[46]17.2 Connections to boilers. The potable supply to a boiler shall be protected by an air gap or a reduced pressure principle backflow preventer, complying with ASSE 1013, CSA B64.4 or AWWA C511.

Exception: The potable supply to a residential boiler without chemical treatment may be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA-B64.3."

[(20)](19) In IPC, Section 608.[46]17.4.1, a new exception is added as follows: "Exception: All class 1 and 2 systems containing chemical additives consisting of strictly glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall be protected against backflow with a double check valve assembly. Such systems shall include written certification of the chemical additives at the time of original installation and service or maintenance."

[(24)](20) IPC, Section 608.[46]17.7, is deleted and replaced with the following: "608.[46]17.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.[43]14.1, Section 608.[43]14.2, Section 608.[43]14.5, Section 608.[43]14.6 or Section 608.[43]14.8. Installation shall be in accordance with Section 608.1.2. Chemical dispensers shall connect to a separate dedicated water supply line, and not a sink faucet."

[(22)](21) IPC, Section 608.[46]17.8, is deleted and replaced with the following: "608.[46]17.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.[43]14.1 or Section 608.[43]14.2."

[(23)](22) A new IPC, Section 608.[46]17.11, is added as follows: "608.[46]17.11 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.[43]14.1 or Section 608.[43]14.2."

[(24)](23) IPC, Section 608.[47]18, is deleted and replaced with the following: "608.[47]18 Protection of individual water supplies. See Section 602.3 for requirements."

Amended by Chapter 249, 2016 General Session

15A-3-307. Amendments to Chapter 7 of IPC.

(1) IPC, Section 701.2, is deleted and replaced with the following: "701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is accessible and is within 300 feet of the property line in accordance with Utah Code, [Section]Title 10-8-38; or an approved private sewage disposal system in accordance with Utah Administrative Code, Rule R317-4, as administered by the Department of Environmental Quality, Division of Water Quality."

(2) A new IPC Section 701.8 is added as follows: "701.8 Drainage piping in food service areas. Exposed soil or waste piping shall not be installed above any working, storage, or eating surfaces in food service establishments."

[(2)](3) In IPC, Section 712.3.3.1, the following words are added before the word "last or": "stainless steel, cast iron, galvanized steel, brass".

Amended by Chapter 297, 2013 General Session

15A-3-308. Amendments to Chapter 8 of IPC.

In IPC, Section 802.1.1, the last sentence is deleted.

Amended by Chapter 249, 2016 General Session

15A-3-309. Amendments to Chapter 9 of IPC.

(1) In IPC, Section 903.1, when the number of inches is to be specified, "12 inches (304.8mm)" is inserted.

(2) In IPC, Section 903.6, the following sentence is added at the end of the paragraph: "Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward."

(3) In IPC, Section 905.4, the following sentence is added at the end of the paragraph: "Horizontal dry vents below the flood level rim shall be permitted for floor drain, floor sink, and bath tub installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out."

Amended by Chapter 297, 2013 General Session

15A-3-310 Amendments to Chapter 10 of IPC.

[IPC, Chapter 10, is not amended.]

- (1) In IPC, Section 1003.3.8, the word "gravity" is inserted before the word "grease".

Amended by Chapter 249, 2016 General Session

15A-3-311. Amendments to Chapter 11 of IPC.

- (1) A new IPC, Section 1106.1.1, is added as follows:

"1106.1.1 Alternate Methods.

An approved alternate storm drain sizing method may be allowed."

- (2) IPC, Section 1109, is deleted.

Amended by Chapter 249, 2016 General Session

15A-3-312. Amendments to Chapter 12 of IPC.

IPC, Chapter 12, is not amended.

Enacted by Chapter 14, 2011 General Session

15A-3-313. Amendments to Chapter 13 of IPC.

- (1) A new IPC, Section 1301.4.1, is added as follows:

"1301.4.1 Recording.

The existence of a nonpotable water system shall be recorded on the deed of ownership for the property. The certificate of occupancy shall not be issued until the documentation for the recording required under this section is completed by the property owner."

- (2) IPC, Section 1301.5, is deleted and replaced with the following:

"1301.5 Potable water connections.

Where a potable water system is connected to a nonpotable water system, the potable water supply shall be protected against backflow by a reduced pressure backflow prevention assembly or an air gap installed in accordance with Section 608."

- (3) IPC, Section 1301.9.5, is deleted and replaced with the following:

"1301.9.5 Makeup water.

Where an uninterrupted supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by a reduced pressure backflow prevention assembly or an air gap installed in accordance with Section 608. A full-open valve located on the makeup water supply line to the storage tank shall be provided. Inlets to the storage tank shall be controlled by fill valves or other automatic supply valves installed to prevent the tank from overflowing and to prevent the water level from dropping below a predetermined point. Where makeup water is provided, the water level shall not be permitted to drop below the source water inlet or the intake of any attached pump."

- (4) IPC, Section 1302.12.4, is deleted and replaced with the following:

"1302.12.4 Inspection and testing of backflow prevention assemblies.

Testing of a backflow preventer shall be conducted in accordance with Sections 312.10.1, 312.10.2, and 312.10.3."

- (5) IPC, Section 1303.15.6, is deleted and replaced with the following:

"1303.15.6 Inspection and testing of backflow prevention assemblies.

Testing of a backflow prevention assembly shall be conducted in accordance with Sections 312.10.1, 312.10.2, and 312.10.3."

- (6) IPC, Section 1304.4.2, is deleted and replaced with the following:

"1304.4.2 Inspection and testing of backflow prevention assemblies.

Testing of a backflow preventer or backwater valve shall be conducted in accordance with Sections 312.10.1, 312.10.2, and 312.10.3."

Amended by Chapter 249, 2016 General Session

15A-3-314. Amendments to Chapter 14 of IPC.

IPC, Chapter 14, is deleted and replaced with the following:

"1401. Subsurface Landscape Irrigation Systems.

[Gray Water]Graywater recycling systems utilized for subsurface irrigation for single-family residences shall comply with the requirements of UAC R317-401, [Gray Water]Graywater Systems. [Gray Water]Graywater recycling systems utilized for subsurface irrigation for other occupancies shall comply with UAC R317-3, Design Requirements for Wastewater Collection, Treatment, and Disposal Systems, and UAC R317-4, Onsite [Waterwaste]Wastewater Systems."

Amended by Chapter 249, 2016 General Session

15A-3-315. Amendments to Chapter 15 of IPC.

In IPC, Chapter 15, the following referenced standard is added:

"Standard reference number	Title	Referenced in code section number
USC-FCCCHR 10th Edition Manual of Cross Connection Control	Foundation for Cross-Connection Control and Hydraulic Research University of Southern California Kaprielian Hall 300 Los Angeles CA 90089-2531	Table 608.1

Enacted by Chapter 249, 2016 General Session

**Part 4
Statewide Amendments to International Mechanical Code**

15A-3-401. General provisions.

(1) The amendments in this part are adopted as amendments to the IMC to be applicable statewide.

(2) In IMC, Section 1004.2, the first sentence is deleted and replaced with the following: "In accordance with Title 34A, Chapter 7, Safety, and requirements made by rule by the Labor Commission, boilers and pressure vessels in Utah are regulated by the Utah Labor Commission, Division of Boiler, Elevator and Coal Mine Safety, except those located in private residences or in apartment houses of less than five family units. Boilers shall be installed in accordance with their listing and labeling, with minimum clearances as prescribed by the manufacturer's installation instructions and the state boiler code, whichever is greater."

(3) In IMC, Section 1004.3.1, the word "unlisted" is inserted before the word "boilers".

~~[(4) IMC, Section 1101.10, is deleted.]~~

~~[(5)](4)~~ In IMC, Section 1209.3, the following words are added at the end of the section: "or other methods approved for the application."

Amended by Chapter 14, 2017 General Session

15A-3-402. Amendments to Chapters 1 through 5 of the International Mechanical Code.

~~[(1) In IMC, Table 403.3, note h is deleted and replaced with the following:~~

~~"h. 1. A nail salon shall provide each manicure station where a nail technician files or shapes an acrylic nail, as defined by rule by the Division of Occupational and Professional Licensing, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with:~~

~~a. a source capture system equipped with, at minimum, a MERV 8 particulate filter and an activated carbon filter that is capable of filtering and recirculating air to inside space at a rate not less than 50 cfm per station; or~~

~~b. a source capture system capable of exhausting not less than 50 cfm per station.~~

~~c. A nail salon that complies with Note h. 1a or h. 1b is not required to comply with the labeling, listing, or testing requirements described in International Mechanical Code sections 301.7 or 301.8.~~

~~2. For a source capture system described in paragraph 1, the source capture system inlets for exhausting or recirculating air shall be located in accordance with Section 502.20.~~

~~3. Where one or more exhausting source capture systems described in paragraph 1 operate continuously during occupancy, the source capture system exhaust rate shall be permitted to be applied to the exhaust flow rate required by Table 403.3.1.1 for the nail salon.~~

~~4. The requirements of this note apply to:~~

~~a. an existing nail salon that remodels the nail salon after July 1, 2017;~~

~~b. a new nail salon that begins construction after July 1, 2017; and~~

~~c. all nail salons beginning on July 1, 2020."~~

~~(2) In IMC, Section 502.20 is deleted and rewritten as follows: "502.20 Manicure stations. A nail salon that files or shapes an acrylic nail shall provide each manicure station with a source capture system in accordance with Table 403.3.1.1, note h. For a manicure table that does not have factory-installed source capture system inlets for recirculating or exhausting air, a nail salon shall provide the manicure table with inlets for recirculating or exhausting air located not more than 12 inches (305 mm) horizontally and vertically from the point of any acrylic chemical application.~~

~~Exception: Section 502.20 applies to a manicure station in:~~

~~a. an existing nail salon that remodels the nail salon after July 1, 2017;~~

~~b. a new nail salon that begins construction after July 1, 2017; and~~

~~c. all nail salons beginning on July 1, 2020."]~~

~~(1) In IMC, Section 602.2, the word "supply" is added at the beginning of the last sentence and the word "direct" is added before the word "evaporative".~~

~~(2) In IMC, Section 603.5.1, the word "supply" is added at the beginning of the last sentence and the word "direct" is added before the word "evaporative".~~

Enacted by Chapter 14, 2017 General Session

Part 5 Statewide Amendments to International Fuel Gas Code

15A-3-501. General provisions.

The following are adopted as an amendment to the IFGC to be applicable statewide:

(1) In IFGC, Section 404.9, a new Section 404.9.1, is added as follows: "404.9.1 Meter protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must still provide access for service and comply with the IBC or the IRC."

(2) IFGC, Section 409.5.3, is deleted.

(3) In IFGC, Section 502.1, the last sentence is deleted.

~~(4) In IFGC, Section 503.4.1, the words "labeled in accordance with the product standards specified by the appliance manufacturer or shall be" are deleted.~~

~~(5) In IFGC, Section 503.6.11.1, the following exception is added.~~

~~"Exception: Existing and replacement Category I appliances may be located in rooms within the occupiable space provided all the following are met:~~

~~1. The original installation was compliant with existing codes at the time of installation.~~

~~2. The dwelling must be equipped with a current, operable carbon monoxide detector, installed in accordance with Section 915 of the International Building Code.~~

~~3. The AHJ has approved a replacement based on the extreme difficulty to install individual Category I vent systems, or a direct vent Category IV appliance.~~

~~4. The room or space is used for no other purpose.~~

~~5. Combustion air is provided in accordance with Section 304. Where outdoor combustion air is provided, the room must be provided with a solid weather-stripped door equipped with an approved self-closure device.~~

~~6. Common vents shall terminate with a listed cap."~~

~~[(3)](6) In IFGC, Section 631.2, the following sentence is inserted before the first sentence: " In accordance with Title 34A, Chapter 7, Safety, and requirements made by rule by the Labor Commission, boilers and pressure vessels in Utah are regulated by the Utah Labor Commission, Division of Boiler, Elevator and Coal Mine Safety, except those located in private residences or in apartment houses of less than five family units. Boilers shall be installed in accordance with their listing and labeling, with minimum clearances as prescribed by the manufacturer's installation instructions and the state boiler code, whichever is greater."~~

Amended by Chapter 249, 2016 General Session

Part 6 Statewide Amendments to National Electrical Code

15A-3-601. General provisions.

The following are adopted as amendments to the NEC to be applicable statewide:

(1) The IRC provisions are adopted as the residential electrical standards applicable to residential installations under the IRC. All other installations shall comply with the adopted NEC.

(2) In NEC, Section 210.8(B), the words "and three phase receptacles rated 150 volts to ground or less, 100 amperes or less" are deleted.

(3) NEC, Section 210.71 is deleted.

(4) In NEC, Section 240.67, the words "January 1, 2020" are deleted and replaced with "upon adoption of the 2020 NEC".

Amended by Chapter 249, 2016 General Session

Part 7
Statewide Amendments to International Energy Conservation Code

15A-3-701. General provisions.

The following is adopted as an amendment to the IECC to be applicable statewide:

- (1) In IECC, Section C403.2.9.1.3, the words "by the designer" are deleted.
- (2) In IECC, Section R103.2, all words after the words "herein governed." are deleted and replaced with the following: "Construction documents include all documentation required to be submitted in order to issue a building permit."
- (3) In IECC, Section R303.3, all wording after the first sentence is deleted.
- (4) In IECC, Section R401.2, a new number 4 is added as follows:
 - "4. Compliance may be shown by demonstrating a result, using the software RESCheck 2012 Utah Energy Conservation Code, of:
 - (a) on or after January 1, 2017, and before January 1, 2019, "3 percent better than code";
 - (b) on or after January 1, 2019, and before January 1, 2021, "4 percent better than code"; and
 - (c) after January 1, 2021, "5 percent better than code";
 - (5) In IECC, Table R402.2, in the column entitled MASS WALL R-VALUE, a new footnote j is added as follows:
 - "j. Log walls complying with ICC400 and with a minimum average wall thickness of 5 inches or greater shall be permitted in Zones 5 through 8 when overall window glazing has a .31 U-factor or lower, minimum heating equipment efficiency is, for gas, 90 AFUE, or, for oil, 84 AFUE, and all other component requirements are met."
 - (6) In IECC, Section R402.4.1, in the first sentence, the word "and" is deleted and replaced with the word "or".
 - (7) In IECC, Section R402.4.1.1, the last sentence is deleted and replaced with the following: "Where allowed by the code official, the builder may certify compliance to components criteria for items which may not be inspected during regularly scheduled inspections."
 - (8) In IECC, Section R402.4.1.2, the following changes are made:
 - (a) In the first sentence:
 - (i) on or after January 1, 2019, and before January 1, 2021, replace the word "five" with "3.5"; and
 - (ii) after January 1, 2021, replace the word "five" with "three."
 - (b) In the first sentence, the words "in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8" are deleted.
 - (c) In the third sentence, the word "third" is deleted.
 - (d) The following sentence is inserted after the third sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."
 - (9) In IECC, Section R403.3.3:
 - (a) the exception for duct air leakage testing is deleted; and
 - (b) the exception for duct air leakage is replaced:
 - (i) on or after January 1, 2017, and before January 1, 2019, with the following: "Exception: The total leakage test is not required for systems with all air handlers and at least 65% of all ducts (measured by length) located entirely within the building thermal envelope.";
 - (ii) on or after January 1, 2019, and before January 1, 2021, with the following: "Exception: The duct air leakage test is not required for systems with all air handlers and at least 75% of all ducts (measured by length) located entirely within the building thermal envelope."; and
 - (iii) on or after January 1, 2021, with the following: "Exception: The duct air leakage test is not required for systems with all air handlers and at least 80% of all ducts (measured by length) located entirely within the building thermal envelope."
 - (10) In IECC, Section R403.3.3, the following is added after the exception:
 - "The following parties shall be approved to conduct testing:
 1. Parties certified by BPI or RESNET.
 2. Licensed contractors who have completed training provided by Duct Test equipment manufacturers or other comparable training."
 - (11) In IECC, Section R403.3.4:
 - (a) in Subsection 1, the number 4 is changed to 8, the number 113.3 is changed to 170, the number 3 is changed to 6, and the number 85 is changed to 114.6; and
 - (b) in Subsection 2:
 - (i) on or after January 1, 2017, and before January 1, 2019, the number 4 is changed to 8 and the number 113.3 is changed to 226.5;
 - (ii) on or after January 1, 2019, and before January 1, 2021, the number 4 is changed to 7 and the number 113.3 is changed to 198.2; and
 - (iii) on or after January 1, 2021, the number 4 is changed to 6 and the number 113.3 is changed to 169.9.
 - (12) In IECC, Section R403.3.5, the words "or plenums" are deleted.

- (13) In IECC, Section R403.5.3, Subsection 5 is deleted and Subsections 6 and 7 are renumbered.
 (14) In IECC, Section R406.4, the table is deleted and replaced with the following:

TABLE R406.4
 MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	65
5	69
6	68

Amended by Chapter 249, 2016 General Session

Part 8
Statewide Amendments to International Existing Building Code

15A-3-801. General provisions.

The following are adopted as amendments to the IEBC and are applicable statewide:

- (1) In Section 202, the following definition is added: "BUILDING OFFICIAL. See Code Official."
 (2) In Section 202, the definition for "code official" is deleted and replaced with the following:
 "CODE OFFICIAL. The officer or other designated authority having jurisdiction (AHJ) charged with the administration and enforcement of this code."
 (3) In Section 202, the definition for existing buildings is deleted and replaced with the following:
 "EXISTING BUILDING. A building that is not a dangerous building and that was either lawfully erected under a prior adopted code, or deemed a legal non-conforming building by the code official."
 (4) In Section ~~[301.4]~~301.3, the exception is deleted.
 (5) Section ~~[403.5]~~503.6 is deleted and replaced with the following:
 "~~403.5~~503.6 Bracing for unreinforced masonry parapets and other appendages upon reroofing. Where the intended alteration requires a permit for reroofing and involves removal of roofing materials from more than 25% of the roof area of a building assigned to Seismic Design Category D, E, or F that has parapets constructed of unreinforced masonry or appendages such as cornices, spires, towers, tanks, signs, statuary, etc., the work shall include installation of bracing to resist out-of-plane seismic forces, unless an evaluation demonstrates compliance of such items. ~~[For purposes of this section, design seismic forces need not be taken greater than 75% of those that would be required for the design of similar nonstructural components in new buildings of similar purpose and location.]~~For purpose of design, reduced seismic forces shall be permitted."
 (6) In Section 705.1, Exception number 3, the following is added at the end of the exception:
 "This exception does not apply if the existing facility is undergoing a change of occupancy classification."
 (7) Section ~~[707.3.1]~~706.3.1 is deleted and replaced with the following:
 "~~707.3.1~~706.3.1 Bracing for unreinforced masonry bearing wall parapets and other appendages. Where a permit is issued for reroofing more than 25 percent of the roof area of a building assigned to Seismic Design Category D, E, or F that has parapets constructed of unreinforced masonry or appendages such as cornices, spires, towers, tanks, signs, statuary, etc., the work shall include installation of bracing to resist the reduced International Building Code level seismic forces as specified in Section ~~[304.1.4.2]~~303 of this code unless an evaluation demonstrates compliance of such items."
 (8) Section 906.6 is deleted and replaced with the following:
 906.6 Bracing for unreinforced masonry parapets and other appendages upon reroofing. Where the intended alteration requires a permit for reroofing and involves removal of roofing materials from more than 25% of the roof area of a building assigned to Seismic Design Category D, E, or F that has parapets constructed of unreinforced masonry or appendages such as cornices, spires, towers, tanks, signs, statuary, etc., the work shall include installation of bracing to resist out-of-plane seismic forces, unless an evaluation demonstrates compliance of such items. For purpose of design, reduced seismic forces shall be permitted.
 (9)(a) Section ~~[4007.3.1]~~1006.3 is deleted and replaced with the following:
 "~~4007.3.1]~~1006.3 [Compliance with the International Building Code Level-]Seismic [Forces]Loads.
 [When a building or portion thereof is subject to a change of occupancy such that A change in the nature of the occupancy results in a higher risk category based on Table 1604.5 of the International Building Code or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall conform to the seismic requirements of the International Building Code for the new risk category.]Where a change of occupancy results in a building being assigned to a higher risk category, or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall satisfy the requirements of Section 1613 of the International Building Code using full seismic forces."

(b) Section ~~[4007.3.4]~~1006.3, exceptions 1 through 3 remain unchanged.

(c) In Section ~~[4007.3.4]~~1006.3, add a new exception 4 as follows:

"4. Where the design occupant load increase is less than 25 occupants and the occupancy category does not change."

~~[(9)]~~(10) In Section 1012.7.3, exception 2 is deleted.

~~[(10)]~~(11) In Section 1012.8.2, number 7 is added as follows:

"7. When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy, not less than 20% of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one unit, of the dwelling or sleeping units shall be Type A dwelling units."

Amended by Chapter 249, 2016 General Session

Part 9 Installation and Safety Requirements for Mobile Homes Built Before June 15, 1976

15A-3-901 General provisions.

Mobile homes built before June 15, 1976, that are subject to relocation, building alteration, remodeling, or rehabilitation shall comply with the following:

(1) Related to exits and egress windows:

(a) Egress windows. The home has at least one egress window in each bedroom, or a window that meets the minimum specifications of the United States Department of Housing and Urban Development's (HUD) Manufactured Homes Construction and Safety Standards (MHCSS) program as set forth in 24 C.F.R. Parts 3280 and 3282, MHCSS 3280.106 and 3280.404 for manufactured homes. These standards require the window to be at least 22 inches in the horizontal or vertical position in its least dimension and at least five square feet in area. The bottom of the window opening shall be no more than 36 inches above the floor, and the locks and latches and any window screen or storm window devices that need to be operated to permit exiting shall not be located more than 54 inches above the finished floor.

(b) Exits. The home is required to have two exterior exit doors, located remotely from each other, as required in MHCSS 3280.105. This standard requires that a single-section home have the doors no less than 12 feet, center-to-center, from each other, and a multisection home have the doors no less than 20 feet, center-to-center, from each other, when measured in a straight line, regardless of the length of the path of travel between the doors. One of the required exit doors must be accessible from the doorway of each bedroom and no more than 35 feet away from any bedroom doorway. An exterior swing door shall have a 28-inch-wide by 74-inch-high clear opening and sliding glass doors shall have a 28-inch-wide by 72-inch-high clear opening. Each exterior door other than screen/storm doors shall have a key-operated lock that has a passage latch; locks shall not require the use of a key or special tool for operation from the inside of the home.

(2) Related to flame spread:

(a) Walls, ceilings, and doors. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame-spread rating not exceeding 25. Sealants and other trim materials two inches or less in width used to finish adjacent surfaces within these spaces are exempt from this provision, provided all joints are supported by framing members or materials with a flame spread rating of 25 or less. Combustible doors providing interior or exterior access to furnace and water heater spaces shall be covered with materials of limited combustibility (i.e., 5/16-inch gypsum board, etc.), with the surface allowed to be interrupted for louvers ventilating the space. However, the louvers shall not be of materials of greater combustibility than the door itself (i.e., plastic louvers on a wooden door). Reference MHCSS 3280.203.

(b) Exposed interior finishes. Exposed interior finishes adjacent to the cooking range (surfaces include vertical surfaces between the range top and overhead cabinets, the ceiling, or both) shall have a flame-spread rating not exceeding 50, as required by MHCSS 3280.203. Backsplashes not exceeding six inches in height are exempted. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets, as required by MHCSS 3280.204(e).

(3) Related to smoke detectors:

(a) Location. A smoke detector shall be installed on any ceiling or wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living-area side, as close to the door as practicable, as required by MHCSS 3280.208. Homes with bedroom areas separated by any one or combination of common-use areas such as a kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall be required to have one detector for each bedroom area. When located in the hallways, the detector shall be between the return air intake and the living areas.

(b) Switches and electrical connections. Smoke detectors shall have no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The detector shall be attached to an electrical outlet box and connected by a permanent wiring method to a general electrical circuit. The detector shall not be placed on the same branch circuit or any circuit protected by a ground-fault circuit interrupter.

(4) Related to solid-fuel-burning stoves/fireplaces:

(a) Solid-fuel-burning fireplaces and fireplace stoves. Solid-fuel-burning, factory-built fireplaces and fireplace stoves may be used in manufactured homes, provided that they are listed for use in manufactured homes and installed according to their listing/manufacturer's instructions and the minimum requirements of MHCSS 3280.709(g).

(b) Equipment. A solid-fuel-burning fireplace or fireplace stove shall be equipped with an integral door or shutters designed to close the fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, a hearth extension, and means to securely attach the unit to the manufactured home structure.

(i) Chimney. A listed, factory-built chimney designed to be attached directly to the fireplace/fireplace stove and equipped with, in accordance with the listing, a termination device and spark arrester shall be required. The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the manufactured home that is within 10 feet of the chimney.

(ii) Air-intake assembly and combustion-air inlet. An air-intake assembly shall be installed in accordance with the terms of listings and the manufacturer's instruction. A combustion-air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth from dropping on the area beneath the manufactured home.

(iii) Hearth. The hearth extension shall be of noncombustible material that is a minimum of 3/8-inch thick and shall extend a minimum of 16 inches in front and eight inches beyond each side of the fireplace/fireplace stove opening. The hearth shall also extend over the entire surface beneath a fireplace stove and beneath an elevated and overhanging fireplace.

(5) Related to electrical wiring systems:

(a) Testing. All electrical systems shall be tested for continuity, in accordance with MHCSS 3280.810, to ensure that metallic parts are properly bonded; tested for operation, to demonstrate that all equipment is connected and in working order; and given a polarity check, to determine that connections are proper.

(b) 5.2 Protection. The electrical system shall be properly protected for the required amperage load. If the unit wiring employs aluminum conductors, all receptacles and switches rated at 20 amperes or less that are directly connected to the aluminum conductors shall be marked CO/ALA. Exterior receptacles, other than heat tape receptacles, shall be of the ground-fault circuit interrupter (GFCI) type. Conductors of dissimilar metals (copper/aluminum or copper-clad aluminum) must be connected in accordance with NEC, Section 110-14.

(6) Related to replacement furnaces and water heaters:

(a) Listing. Replacement furnaces or water heaters shall be listed for use in a manufactured home. Vents, roof jacks, and chimneys necessary for the installation shall be listed for use with the furnace or water heater.

(b) Securement and accessibility. The furnace and water heater shall be secured in place to avoid displacement. Every furnace and water heater shall be accessible for servicing, for replacement, or both as required by MHCSS 3280.709(a).

(c) Installation. Furnaces and water heaters shall be installed to provide complete separation of the combustion system from the interior atmosphere of the manufactured home, as required by MHCSS.

(i) Separation. The required separation may be achieved by the installation of a direct-vent system (sealed combustion system) furnace or water heater or the installation of furnace and water heater venting and combustion systems from the interior atmosphere of the home. There shall be no doors, grills, removable access panels, or other openings into the enclosure from the inside of the manufactured home. All openings for ducts, piping, wiring, etc., shall be sealed.

(ii) Water heater. The floor area in the area of the water heater shall be free from damage from moisture to ensure that the floor will support the weight of the water heater.

Enacted by Chapter 249, 2016 General Session

Chapter 4 Local Amendments Incorporated as Part of State Construction Code

Part 1 Local Amendments to International Building Code

15A-4-101. General provision.

The amendments in this part are adopted as amendments to the IBC to be applicable to the specified jurisdiction.

Enacted by Chapter 14, 2011 General Session

15A-4-105. Amendments to IBC applicable to Park City Corporation or Park City Fire District.

(1) The following amendment is adopted as an amendment to the IBC for the Park City Corporation, in IBC, Section 3409.2, exception 3, is modified to read as follows: "3. Designated as historic under a state or local historic preservation program."

(2) The following amendments are adopted as amendments to the IBC for the Park City Corporation and Park City Fire District:

(a) IBC, Section (F)903.2, is deleted and replaced with the following: "(F)903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

1. All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.
2. All new construction having more than two (2) stories, except R-3 occupancy.
3. All new construction in the Historic Commercial Business zone district, regardless of occupancy.
4. All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.
5. All existing building within the Historic District Commercial Business zone."; and

(b) In IBC, Table 1505.1, new footnotes d and e are added as follows:

"d. Wood roof covering assemblies are prohibited in R-3 occupancies in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors.

e. Wood roof covering assemblies shall have a Class A rating in occupancies other than R-3 in areas with a combined rating of more than 11 using Tables 1505.1.1 and 1505.1.2 with a score of 9 for weather factors. The owner of the building shall enter into a written and recorded agreement that the Class A rating of the roof covering assembly will not be altered through any type of maintenance process.

TABLE 1505.1.1
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

TABLE 1505.1.2
PROHIBITION/ALLOWANCE OF WOOD ROOFING

Rating	R-3 Occupancy	All Other Occupancies
Less than or equal to 11	Wood roof covering assemblies per Table 1505.1 are allowed	Wood roof covering assemblies per Table 1505.1 are allowed
Greater than or equal to 12	Wood roof covering is prohibited	Wood roof covering assemblies with a Class A rating are allowed"

Amended by Chapter 341, 2017 General Session

15A-4-106. Amendments to IBC applicable to Salt Lake City.

The following amendment is adopted as an amendment to the IBC for Salt Lake City, in IBC, Section 1008.1.9.7, a new exception is added as follows: "Exception: In International Airport areas designated as Group "A" Occupancies where national security interests are present, the use of panic hardware with delayed egress is allowed when all provisions of Section 1008.1.9.7 are met and under item #4 1 second is changed to 2 seconds."

Enacted by Chapter 14, 2011 General Session

15A-4-107. Amendments to IBC applicable to Sandy City.

The following amendments are adopted as amendments to the IBC for Sandy City:

(1) A new IBC, Section (F)903.2.13, is added as follows: "(F)903.2.13 An automatic sprinkler system shall be installed in accordance with NFPA 13 throughout buildings containing all occupancies where fire flow exceeds 2,000 gallons per minute, based on Table B105.1(2) of the [2015]2018 International Fire Code. A one- or two-family dwelling or a town home is not required to have a fire sprinkler system except in accordance with Section 15A-5-203."

(2) A new IBC, Appendix [L]N, is added and adopted as follows: "Appendix L BUILDINGS AND STRUCTURES CONSTRUCTED IN AREAS DESIGNATED AS WILDLAND-URBAN INTERFACE AREAS

AL 101.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 International Wildland-Urban Interface Code, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction."

(3) In Section 504 of the IWUIC Class 1 IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows: "504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the fire code official, where defensible space is less than 50 feet as defined in Section 603 of the 2006 International Wildland-Urban Interface Code."

(4) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

Amended by Chapter 341, 2017 General Session

Part 2 Local Amendments to International Residential Code

15A-4-201. General provision.

The amendments in this part are adopted as amendments to the IRC to be applicable to specified jurisdiction.

Amended by Chapter 341, 2017 General Session

15A-4-206 Amendments to IRC applicable to Park City Corporation or Park City Fire District.

(1) The following amendment is adopted as an amendment to the IRC for the Park City Corporation, Appendix P, of the 2006 IRC is adopted.

(2) The following amendments are adopted as amendments to the IRC for Park City Corporation and Park City Fire District:

(a) IRC, Section R905.7, is deleted and replaced with the following: "R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited"

(b) IRC, Section R905.8, is deleted and replaced with the following: "R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited"

(c) Appendix K is adopted.

Enacted by Chapter 14, 2011 General Session

15A-4-207. Amendments to IRC applicable to Sandy City.

The following amendment is adopted as an amendment to the IRC for Sandy City, a new IRC, Section R324, is added as follows: "Section R324 IGNITION RESISTANT CONSTRUCTION

R324.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class 1 IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 IWUIC.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted."

Enacted by Chapter 14, 2011 General Session

Part 3
Local Amendments to International Plumbing Code

15A-4-301. General provision.

The amendments in this part are adopted as amendments to the IPC to be applicable to specified jurisdiction.

Enacted by Chapter 14, 2011 General Session

15A-4-303. Amendments to IPC applicable to South Jordan.

The following amendments are adopted as amendments to the IPC for South Jordan:

(1) IPC, Section 312.10.2, is deleted and replaced with the following: "312.10.2 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA-B64.10, or CSA-B64.10.1. Assemblies, other than the reduced pressure principle assembly, protecting lawn irrigation systems that fail the annual test shall be replaced with a reduced pressure principle assembly."

(2) IPC, Section 608.16.5, is deleted and replaced with the following: "608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a reduced pressure principle backflow preventer."

Enacted by Chapter 14, 2011 General Session

Part 4
Local Amendments to International Mechanical Code

15A-4-401. General provision.

No local amendments to the IMC are adopted.

Enacted by Chapter 14, 2011 General Session

Part 5
Local Amendments to International Fuel Gas Code

15A-4-501. General provision.

No local amendments to the IFGC are adopted.

Enacted by Chapter 14, 2011 General Session

Part 6
Local Amendments to National Electrical Code

15A-4-601. General provision.

No local amendments to the NEC are adopted.

Enacted by Chapter 14, 2011 General Session

Part 7
Local Amendments to International Energy Conservation Code

15A-4-701. General provision.

No local amendments to the IECC are adopted.

Enacted by Chapter 14, 2011 General Session

PART B

Uniform Building Code Commission - Summary of recommended changes to construction codes under Title 15A, State Construction and Fire Code Act.

Overall Summary of Proposed Changes:

The advisory committees recommend that most of the current amendments under the 2015 codes be carried forward as amendments to the updated 2018 codes. In some cases, technical changes such as numbering or rewording have been needed to coordinate with the 2018 edition of the national codes. In most of these cases, keeping the prior amendments does not substantially change the relevant construction standards.

The advisory committees recommend that several current amendments be deleted. Most of these deletions are being recommended because the 2018 codes now adequately address the reason for the Utah amendment. Most of these deletions do not substantially change the relevant construction standards.

Several new amendments to the 2018 national codes are also recommended. Most of these new amendments delete or replace new provisions contained in the 2018 codes that the advisory committees have recommended be included in the updated Utah construction codes. Most of these changes reduce burdensome requirements added to the 2018 version of the national code to a more appropriate requirement level.

The proposal also includes additional amendments to the 2015 International Residential Code which is currently in effect in Utah. The 2018 IRC was not reviewed for adoption.

Summary of Individual Amendments:**Amendments to the specific editions of Uniform Building Standards:**

There are no changes recommended for Chapter 1.

**Chapter 2
Adoption of State Construction Code**

**Part 1
General Provisions**

15A-2-101 Title -- Adoption of code.

15A-2-102 Definitions.

15A-2-103 Specific editions adopted of construction code of a nationally recognized code authority.

The changes in these subsections recommend changing the adopted codes from the 2015 International Code Council (ICC Codes) to the 2018 ICC Codes.

15A-2-104 Installation standards for manufactured housing.

15A-2-105 Scope of application.

**Chapter 3
Statewide Amendments Incorporated as Part of State Construction Code**

**Part 1
Statewide Amendments to International Building Code**

15A-3-101 General provision.

15A-3-102 Amendments to Chapters 1 through 3 of IBC.

15A-3-102(2) - Section 110:

This is a change to an existing amendment (inspections) which is being modified to coordinate with the 2018 code.

15A-3-102(5) -- Section 202:

This is a new amendment (definitions) to clarify the wording and to coordinate with the statutes and rules under the Department of Human Services, which regulates this type of facility.

15A-3-102(6) [prior 5] -- Section 202:

This is a change to a current amendment to coordinate with the statutes and rules under the Department of Human Service.

15A-3-102(8) [prior 7] -- Section 202:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(9) [prior 8] -- Section 202:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(10) [prior 9] -- Section 202:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(11) [prior 10] -- Section 305.2:

This change modifies a current amendment to coordinate with the statutes and rules under the Department of Human Services.

15A-3-102(12) [prior 11] -- Section 305.2.2 and 305.2.3:

This is a modification to a current amendment for clarification.

15A-3-102(13) [prior 12] -- Section 305.2.4:

This is a modification to a current amendment for clarification and to coordinate with the statutes and rules under the Department of Human Services.

15A-3-102(14) [prior 13] -- Section 305.2.5:

This is a modification to a current amendment to update the Utah Administrative Code references.

15A-3-102(15) [prior 14] -- Section 307.1(1):

This is a modification of a current amendment to coordinate with the changes made in the 2018 code.

15A-3-102(16) -- Section 308.2:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services.

15A-3-102[prior (15) and (16) -- Section 308.2

These current amendments are being deleted to coordinate with the changes in the 2018 code. They have been addressed in changes to prior amendments.

15A-3-102[prior (17) -- Section 308.3

This current amendment is being deleted to coordinate with the changes in the 2018 code. It has been addressed in changes to prior amendments.

15A-3-102(17)[prior (18)]-- Section 308.2.4:

This is a modification to a current amendment to coordinate the section number with the 2018 code.

15A-3-102(18) -- Section 308.2.5:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(19) -- Section 308.3:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(20) -- Section 308.3.2:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102 prior (21) -- Section 308.3.3:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102 [prior (19) and prior (20)] -- Section 308.4 and 308.4.2:

These current amendments are being deleted to coordinate with the 2018 code. They have been addressed in previous amendments.

15A-3-102(22) [prior (21)] -- Section 308.5:

This is a modification of a current amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(23) [prior (22)] -- Section 308.5.1:

This is a modification of a current amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(24) [prior (23)] -- Section 308.5.3 and 308.5.4:

This is a modification of a current amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(25) [prior (24)] -- Section 310.4:

This is a modification of a current amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(26) [prior (25)] -- Section 308.5.1:

This is a modification of a current amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(27) [prior (26)] -- Section 308.5.1:

This is a modification of a current amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102 [prior (27)] -- Section 310.6:

This current amendment is being deleted to coordinate with the statutes and rules under the Department of Human Services.

15A-3-102(28) -- Section 310.4.4:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(29) -- Section 310.5:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-102(30) -- Section 310.5.3:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-103 Amendments to Chapters 4 through 6 of IBC.

15A-3-103(3) -- Section 407.2.5:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-103(4) -- Section 407.2.6:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-103(5) -- Section 407.11:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-103(6) [prior (2)] -- Section 422.2.1:

This is a modification to a current amendment to coordinate with the changes in the 2018 code.

15A-3-103(7) [prior (3)] -- Section 429:

This is a modification to a current amendment to coordinate with the changes to section numbers in the 2018 code.

15A-3-103(9) -- Section 504.4:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services and the changes in the 2018 code.

15A-3-103(10) -- Section 504.5:

This is a new amendment to coordinate with the statutes and rules under the Department of Human Services.

15A-3-104 Amendments to Chapters 7 through 9 of IBC.

15A-3-104(2) -- Section (F)902.1:

This changes section numbers in a current amendment to coordinate with the changes in the 2018 code.

15A-3-104(6) -- Section (F)903.2.8:

This is a modification to a current amendment to coordinate with the changes in the 2018 code.

15A-3-104(7) -- Section (F)903.2.8.3:

This is a modification to a current amendment to coordinate with the changes in the 2018 code.

15A-3-104(8) -- Section (F)903.2.8.3:

This is a technical change to a current amendment to match the wording in the 2018 code.

15A-3-104(14) [prior 15] -- Section (F)907.2.3 Group E:

This is a modification to a current amendment to coordinate with the requirements of the State Fire Code.

15A-3-105 Amendments to Chapters 10 through 12 of IBC.**15A-3-105(1) -- Section 1010.1.9.7:**

This is a modification to a current amendment for clarification and to coordinate with the changes in the 2018 code.

15A-3-105(6) -- Section 1029.15:

This is a modification to a current amendment to coordinate with the changes in the 2018 code.

15A-3-105(7) -- Section 1109.8:

This current amendment is being deleted.

15A-3-105(7) [prior (8)] -- Section 1207.4:

This is a modification to a current amendment to coordinate with the changes in the 2018 code.

15A-3-107 Amendments to Chapter 16 of IBC.**15A-3-107(1) -- Section 1604.5:**

This is a modification to a current amendment for clarification.

15A-3-107(3) -- Section 1604.5:

This is a modification to a current amendment for clarification.

15A-3-107(4) -- Section 1608.1:

This is a modification to a current amendment for clarification.

15A-3-107(5) -- Section 1608.1.1:

This is a modification to a current amendment for clarification.

15A-3-107(6) -- Section 1608.1.2:

This is a modification to a current amendment for clarification of the Utah snow load requirements.

15A-3-107(7) -- Section 1608.1.3:

This is a new amendment necessary for the Utah snow load requirements.

15A-3-107(8) -- Section 1608.2.1:

This is a new amendment necessary for the Utah snow load requirements that makes technical changes and deletes the current amendment for Table 1608.1.2(a) and (b). This is necessary to incorporate the new snow load study and website developed for design snow load values.

15A-3-107[prior (7)] -- Table 1608.2.1(a) and Table 1608.2.1(b):

This current amendment is being deleted as it is now incorporated into the new amendment mentioned above.

15A-3-107[prior (8)] -- Section 1608.1.3:

This current amendment is being deleted as it is now incorporated into the new amendment mentioned above.

15A-3-107[prior (9)] -- Section 1608.2:

This current amendment is being deleted as it is now incorporated into the new amendment mentioned above.

15A-3-107(9)[prior (10)] -- Section 1608.2:

This current amendment is being modified to coordinate with the new amendments for the snow load.

15A-3-107[prior (11)] -- Section 1613.7:

This current amendment is being deleted.

15A-3-110 Amendments to Chapters 23 through 25 of IBC.

15A-3-110(2) -- Section 2308.3.1:

This is a modification of a current amendment that changes the requirements for foundation plates or sills.

15A-3-110 [prior 3] -- Section 2506.2.1:

This current amendment is being deleted as it is now found in the 2018 code.

15A-3-112 Amendments to Chapters 29 through 31 of IBC.

15A-3-112(1) -- [P] Table 2902.1:

This current amendment is being modified to correspond with the changes in the 2018 code and to incorporate the current Utah Administrative Code requirements.

15A-3-113 Amendments to Chapters 32 through 35 of IBC.

15A-3-113[prior (2)] referenced standard:

This current amendment is being deleted as is in now part of the 2018 code.

**Part 2
Statewide Amendments to International Residential Code**

15A-3-202 Amendments to Chapters 1 through 5 of IRC.

15A-3-202(9) -- Table R301.2(5):

This current amendment is being modified to correspond with the new snow load study and website developed to design snow load values.

15A-3-202(10) -- Section R301.6:

This current amendment is being modified to correspond with the new snow load study and website developed to design snow load values.

15A-3-202(11) -- Section R302.2:

This is a new amendment for added protection of townhomes units.

15A-3-203 Amendments to Chapters 6 through 15 of IRC.

15A-3-203(11) -- N1103.3.6 (R403.3.6):

This is a new amendment to help increase energy efficiency.

15A-3-203(12) -- N1103.3.7 (R403.3.7):

This is a new amendment to help increase energy efficiency.

15A-3-203(14) -- N1103.6.1 (R403.6.1):

This is a new amendment to help increase energy efficiency.

15A-3-203(15) -- N1104.1 (R404.1):

This is a new amendment to help increase energy efficiency.

15A-3-203(17) -- Table N1106.4 (R406.4):

This is a new amendment to help increase energy efficiency.

15A-3-205 Amendments to Chapters 26 through 35 of IRC.

15A-3-205(3) -- Section P2705 Item 5:

This is a new amendment that will allow flexibility for lavatory installations in reduced bathroom sizes or compact spaces.

15A-3-205(4) -- Section P2705 Item 6:

This is a new amendment that will allow flexibility for lavatory installations in reduced bathroom sizes or compact spaces.

15A-3-205(13) -- Section P3009:

This is a technical correction for a current amendment.

**Part 3
Statewide Amendments to International Plumbing Code**

15A-3-302(1) -- Section 101.2.1:

This current amendment is being deleted as the International Private Sewage Disposal Code is not part of the 2018 code.

15A-3-303 Amendments to Chapter 3 of IPC.**15A-3-303(1) -- Section 303.4:**

This is a modification of a current amendment to coordinate with the 2018 code and the Department of Health regulations.

15A-3-304 Amendments to Chapter 4 of IPC.**15A-3-304(1) -- Table 403.1:**

This current amendment is being modified to correspond with the changes in the 2018 code and to coordinate with the Department of Health regulations.

15A-3-304(3) -- Section 413.5:

The section number in this current amendment is being changed to correspond with the 2018 code.

15A-3-305 Amendments to Chapter 5 of IPC.**15A-3-305(2) -- Section 504.6:**

This is a new amendment.

15A-3-306 Amendments to Chapter 6 of IPC.**15A-3-306(7) -- Section 608.1:**

This change makes technical corrections to a current amendment.

15A-3-306(8) -- Section 608.3:

This change makes technical corrections to a current amendment.

15A-3-306(9) -- Section 608.6:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(10) -- Section 608.7:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(11) -- Section 608.8:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(12) -- Section 608.11:

This change deletes a current amendment that is now adequately addressed in the 2018 code.

15A-3-306(12) [prior 13] -- Section 608.14.3:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(13) [prior 14] -- Section 6014.4:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(15) -- Section 608.13.9:

This change deletes a current amendment that is no longer needed because it is adequately addressed in the 2018 code.

15A-3-306(14) [prior 16] -- Section 608.16.3:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code and a technical change.

15A-3-306(15) [prior 17]-- Section 6016.4:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code and a technical change for clarification.

15A-3-306(16) [prior 18] -- Section 608.16.4.2:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(17) Section 608.17.1.2:

This a new amendment.

15A-3-306(18) [prior 19] -- Section 608.17.2:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(19) [prior 20] -- Section 608.17.4.1:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(20) [prior 21] -- Section 608.17.7:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(21) [prior 22] -- Section 608.17.8:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(22) [prior 23] -- Section 608.17.11:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-306(23) [prior 24] -- Section 608.608.18:

This change makes corrections to a current amendment to correspond with the section numbers in the 2018 code.

15A-3-307 Amendments to Chapter 7 of IPC.

15A-3-307(1) -- Section 701.2:

This is a technical change to a current amendment.

15A-3-307(2) -- Section 701.8:

This is a new amendment to correspond with the requirements of the Department of Health.

15A-3-307(3) [prior 2] -- Section 7012.3.3.1:

This change makes a technical correction to a current amendment.

15A-3-310 Amendments to Chapter 10 of IPC.

15A-3-310(1) -- Section 1003.3.8:

This is a new amendment to make a technical correction.

15A-3-314 Amendments to Chapter 14 of IPC.

This change makes corrections to a current amendment.

Part 4
Statewide Amendments to International Mechanical Code

15A-3-401 General provisions.**15A-3-401(4) -- Section 1101.10:**

This change deletes a current amendment as the 2018 code adequately addresses this requirement.

15A-3-402(1) -- Section 403.2:

This change deletes a current amendment as the 2018 code adequately addresses this requirement.

15A-3-402(2) -- Section 502.20:

This change deletes a current amendment as the 2018 code adequately addresses this requirement.

15A-3-402(1) -- Section 602.2:

This is a new amendment added for clarification of the requirement.

15A-3-402(2) -- Section 603.5.1:

This is a new amendment added for clarification of the requirement.

Part 5
Statewide Amendments to International Fuel Gas Code

15A-3-501 General provisions.**15A-3-501(3) -- Section 502.1:**

This is a new amendment added for clarification of the requirement.

15A-3-501(4) -- Section 503.4.1:

This is a new amendment added for clarification of the requirement.

15A-3-501(5) -- Section 503.6.11.1:

This is a new amendment added for clarification of the requirement.

Part 8
Statewide Amendments to International Existing Building Code

15A-3-801 General provisions.**15A-3-801(4) -- Section 301.3:**

This is a technical change to a current amendment to correspond with the 2018 code.

15A-3-801(5) -- Section 503.6:

This is a technical change to a current amendment to correspond with the 2018 code and a technical change for clarification.

15A-3-801(7) -- Section 706.3.1:

This is a technical change to a current amendment to correspond with the 2018 code.

15A-3-801(8) -- Section 906.6:

This is a new amendment.

15A-3-801(9)[prior 8] -- Section 1006.3:

This is a technical change to a current amendment to correspond with the 2018 code.

15A-4-107 Amendments to IBC applicable to Sandy City.

15A-4-107:

This is an existing amendment that is being recommended to be carried forward with a change to reference the current fire code.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

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

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

Calling the Sixty-Second Legislature Into the Second Special Session, Utah Proclamation No. 2018-2S

PROCLAMATION

WHEREAS, since the adjournment of the 2018 General Session of the Sixty-second Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-second Legislature of the State of Utah into a Second Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 18th day of July 2018, at 2:30 pm, to consider the following:

1. Amending provisions enacted by SB 234, Utah Inland Port Authority, 2018 General Session to address: the boundaries of the inland port, sharing of the property tax differential with other taxing entities, conflict of interest provisions, the Utah Inland Port Authority appeals process, and other provisions;

2. Amendments to the Utah Sales and Use Tax Act to address the decision of the Supreme Court of the United States in South Dakota vs. Wayfair, Inc., et. al., decided June 21, 2018;

3. Clarifying the commencement provisions of the sales and use tax exemptions for manufacturing, mining, web search portals, and medical laboratories described in SB 233 (2018 General Session);

4. Amendments to corporate tax provisions to: clarify that corporate taxpayers are subject to state income tax on repatriated foreign income; clarify the effective date of Section 59-7-118 as enacted by S.B. 244 (2018 General Session); and consider sequestration of the revenue collected from corporate taxpayers on repatriated foreign income;

5. Amendments to corporate tax provisions regarding net loss carry backs and carry forwards and to consider sequestration of any savings from net loss changes;

6. Amendments to class B and class C road funds;

7. Legislation clarifying the formula for calculating periodic inflationary adjustments to the limits on damages for personal injury claims against governmental entities;

8. Reenactment of changes made in HB 303, Drinking Water Source Sizing Requirements (2018 General Session) to correct a mistake in the enrolled bill;

9. Amendments to the procurement code to clarify its application to the Utah Communications Authority;
10. Amendments creating a conditional license for off premise beer retailers; and
11. For the Senate to consent to appointments made by the Governor.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 16th day of July 2018.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2018/2/S

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 03, 2018, 12:00 a.m., and July 16, 2018, 11:59 p.m. are included in this, the August 01, 2018, 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 Office 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 Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least August 31, 2018. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through November 29, 2018, the agency may notify the Office 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 Office 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

Attorney General, Administration
R105-2
Records Access and Management

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 43075
 FILED: 07/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule provides information about submitting requests and appeals to the Attorney General's Office under the Government Records Access and Management Act.

SUMMARY OF THE RULE OR CHANGE: The change to this rule indicates that records requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-2-204

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments to this rule only indicates that "[r]ecords requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local governments. The amendments to this rule only indicates that "[r]ecords requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. The amendments to this rule only indicates that "[r]ecords requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The amendments to this rule only indicates that "[r]ecords requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons. The amendments to this rule only indicates that "[r]ecords requests received via email after regular business hours

(Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts that this rule may have on businesses. The amendments to this rule only indicates that "[r]ecords requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."

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

ATTORNEY GENERAL
 ADMINISTRATION
 ROOM 230 UTAH STATE CAPITOL
 350 N STATE ST
 SALT LAKE CITY, UT 84114
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at nicolealder@agutah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2018

AUTHORIZED BY: Brian Tarbet, Deputy Attorney General

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2018	FY 2019	FY 2020
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0

Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are no anticipated regulatory or fiscal impact that the changes to this rule will have on non-small businesses.

The amendments to this rule only indicate that "[r]ecords requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day."

R105. Attorney General, Administration.
R105-2. Records Access and Management.
R105-2-1. Purpose.

This rule provides information about submitting requests and appeals to the Attorney General's Office under the Government Records Access and Management Act.

R105-2-2. Requests for Access.

All requests for records shall be directed to:

TABLE

If by hand delivery:

GRAMA Coordinator
 Office of the Attorney General
 Utah State Capitol Complex
 350 North State Street Suite 230
 Salt Lake City, Utah 84114

If by mail:

GRAMA Coordinator
 Office of the Attorney General
 PO Box 140860
 Salt Lake City, Utah 84114-0860

If by email:

GRAMA Coordinator
 AGO_GRAMA_Coordinator@agutah.gov

Records requests received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day.

R105-2-3. Appeals.

Appeals regarding questions of access to records shall be directed to:

TABLE

If by hand delivery:

GRAMA Appeal
 Office of the Attorney General
 Utah State Capitol Complex
 350 North State Street Suite 230
 Salt Lake City UT 84114

If by mail:

GRAMA Appeal
 Office of the Attorney General
 PO Box 140860
 Salt Lake City, Utah 84114-0860

If by email:

GRAMA Coordinator
 AGO_GRAMA_Coordinator@agutah.gov

Appeals received via email after regular business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) will be deemed received the following business day for purposes of calculating the time for a decision by the Chief Administrative Officer.

R105-2-4. Records of Client Agencies.

Requesters seeking copies of records of client agencies of the Attorney General's Office must make their request directly to the client agency. See Section 67-5-15(1).

R105-2-5. Record Sharing.

For the purpose of record sharing between governmental entities as provided in Section 63G-2-206, the Attorney General's Office is one governmental entity and all divisions in the office are part of that entity.

KEY: public records, government documents, records access, GRAMA

Date of Enactment or Last Substantive Amendment: ~~February 7, 2018~~

Notice of Continuation: September 28, 2016

Authorizing, and Implemented or Interpreted Law: 63G-2-204

Commerce, Occupational and
 Professional Licensing
R156-9
 Funeral Service Licensing Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43092

FILED: 07/16/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These proposed amendments conform this rule to changes enacted by H.B. 121 during the 2018 General Session, and clarify and update certain licensing requirements as recommended by the Division of Occupational and Professional Licensing in collaboration with the Funeral Service Board.

SUMMARY OF THE RULE OR CHANGE: In Section R156-9-302a, effective June 2017, the Utah Funeral Service Law and Rule Examination required for all applicants for licensure under the Funeral Services Licensing Act -- funeral directors, funeral director interns, and preneed sales agents -- was updated and restructured into two new exams. These two new exams are: 1) the "Utah Funeral Service Director Law and Rule Examination", now required for applicants for licensure as a funeral service director or funeral service intern; and 2) the "Utah Preneed Funeral Arrangement Sales Agent Law and Rule Examination", now required for applicants for licensure as a preneed sales agent. These proposed amendments update this rule to refer to these examination requirements. In Section R156-9-304, these proposed amendments make a minor formatting change for clarity. In Section R156-9-401, these proposed amendments incorporate alkaline hydrolysis into facility/staff requirements for funeral service establishments, in accordance with statutory changes made by H.B. 121 (2018). In Section R156-9-607, these proposed amendments remove the reference to a Division-provided model guaranteed preneed funeral arrangement contract form. Contract requirements are defined by statute and specific forms used should be at the discretion of the establishment and their legal counsel. Minor formatting changes are also made for clarity.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-9-504 and Subsection 58-1-106(1) (a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** In Sections R156-9-302a, R156-9-304, and R156-9-607, these proposed changes only update definitions and ensure that this rule encompasses current practice in the profession, and make formatting changes for clarity. Accordingly, these amendments are not expected to impact state government revenues or expenditures. In Section R156-9-401, these proposed amendments, which incorporate references to the alkaline hydrolysis process into facility/staff requirements for funeral service establishments, only conform this rule to practices required by H.B. 121 (2018); accordingly, the Division of Occupational Professional Licensing (Division) estimates that there will be no impact on state agencies over and above that included in the Fiscal

Note for H.B. 121 (2018), available online at:

<https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>.

No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately \$75 to print and distribute the rule once the proposed amendments are made effective.

◆ **LOCAL GOVERNMENTS:** In Sections R156-9-302a, R156-9-304, and R156-9-607, these proposed changes only update definitions and ensure that this rule encompasses current practice in the profession, and make formatting changes for clarity. Accordingly, these amendments are not expected to impact local governments revenues or expenditures. In Section R156-9-401, these proposed amendments, which incorporate references to the alkaline hydrolysis process into facility/staff requirements for funeral service establishments, only conform this rule to practices required by H.B. 121 (2018); accordingly, the Division estimates that there will be no impact on local governments over and above that included in the fiscal note for H.B. 121 (2018), available online at: <https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>.

◆ **SMALL BUSINESSES:** In Sections R156-9-302a, R156-9-304, and R156-9-607, these proposed changes only update definitions and ensure that this rule encompasses current practice in the profession, and make formatting changes for clarity. Accordingly, these amendments are not expected to impact small businesses revenues or expenditures. In Section R156-9-401, these proposed amendments, which incorporate references to the alkaline hydrolysis process into facility/staff requirements, will apply to all small businesses required to be licensed as funeral service establishments in Utah. There are 140 funeral service establishment licensees in Utah, with approximately 91 small businesses currently participating in the Utah Funeral Homes and Funeral Services industry (NAICS 812210). However, because these proposed amendments only conform this rule to practices already required by H.B. 121 (2018), the Division estimates that there will be no impact on any of these small businesses over and above that included in the fiscal note for H.B. 121 (2018), available online at:

<https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** In Sections R156-9-302a, R156-9-304, and R156-9-607, these proposed changes only update definitions and ensure that this rule encompasses current practice in the profession, and make formatting changes for clarity. Accordingly, these amendments are not expected to impact other persons. In Section R156-9-401, these proposed amendments only apply to facilities required to be licensed as funeral service establishments in Utah, which are all either small businesses or non-small businesses, and accordingly will not apply to other persons. Additionally, these proposed amendments merely conform this rule to practices already required by H.B. 121 (2018). Therefore, the Division estimates that there will be no impact on other persons over and above any impact included in the fiscal note for H.B. 121 (2018), available online at:

<https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In Sections R156-9-302a, R156-9-304, and R156-9-607, these proposed changes only update definitions and ensure that this rule encompasses current practice in the profession, and make formatting changes for clarity. Accordingly, these amendments are not expected to impact any affected persons. In Section R156-9-401, these proposed amendments only conform this rule to practices already required by H.B. 121 (2018). Therefore, the Division estimates that there will be no compliance costs for any affected persons over and above any impact included in the fiscal note for H.B. 121 (2018), available online at: <https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the proposed filing for the above-referenced rule and considered the fiscal impact that this rule may have on businesses. I direct that my comments about this rule's fiscal impact on businesses be inserted at the appropriate place on the notice form to be filed with the Office of Administrative Rules for publication of this rulemaking action. In Section R156-9-302a, effective June 2017, the Utah Funeral Service Law and Rule Examination required for all applicants for licensure under the Funeral Services Licensing Act - funeral directors, funeral director interns, and preneed sales agents - was updated and restructured into two new exams. These two new exams are: 1) the "Utah Funeral Service Director Law and Rule Examination", now required for applicants for licensure as a funeral service director or funeral service intern; and 2) the "Utah Preneed Funeral Arrangement Sales Agent Law and Rule Examination", now required for applicants for licensure as a preneed sales agent. These proposed amendments update this rule to refer to these examination requirements. In Section R156-9-304, these proposed amendments make a minor formatting change for clarity. In Section R156-9-401, these proposed amendments incorporate alkaline hydrolysis into facility/staff requirements for funeral service establishments, in accordance with statutory changes made by H.B. 121 (2018). In Section R156-9-607, these proposed amendments remove the reference to a Division-provided model guaranteed preneed funeral arrangement contract form. Contract requirements are defined by statute and specific forms used should be at the discretion of the establishment and their legal counsel. Minor formatting changes are also made for clarity. The proposed amendments which conform Section R156-9-401 to H.B. 121 (2018), will not impact small businesses any more than the enrolled bill, which already has a fiscal note (available online at: <https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>). The other amendments to this rule have no fiscal impact.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Robyn Barkdull by phone at 801-530-6727, by FAX at 801-530-6511, or by Internet E-mail at rbarkdull@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
 ♦ 08/15/2018 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

In Sections R156-9-302a, R156-9-304, and R156-9-607, these proposed changes only update definitions and ensure that this rule encompasses current practice in the profession, and make formatting changes for clarity. Accordingly, these amendments are not expected to impact non-small business revenues or expenditures.

In Section R156-9-401, these proposed amendments, which incorporate references to the alkaline hydrolysis process into facility/staff requirements, will apply to any non-small businesses required to be licensed as funeral service establishments in Utah. There are currently 140 funeral service establishment licensees in Utah, and there is at least one non-small business currently participating in the Utah Funeral Homes and Funeral Services industry (NAICS 812210). However, because these proposed amendments only conform this rule to practices already required by H.B. 121 (2018), the Division estimates that there will be no impact on any of these non-small businesses over and above that included in the Fiscal Note for H.B. 121 (2018), available online at: <https://le.utah.gov/2018/bills/static/HB0121.html#58-9-617>.

The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.**R156-9. Funeral Service Licensing Act Rule.****R156-9-302a. Qualifications for Licensure - Examination Requirements.**

In accordance with Subsections 58-1-203(1)(d) and 58-1-301(3), the qualifications for licensure in Subsections 58-9-302(1)(g), 58-9-302(2)(e), 58-9-302(4)(e) and 58-9-306(6) and (7) are defined, clarified, or established as follows:

(1) An applicant for licensure as a funeral service director shall pass:

(a) the National Board Examinations (science and art sections) of the Conference of Funeral Service Examining Boards, which ~~the examination~~ may be taken while the individual is enrolled in an approved funeral service school; and

(b) the Utah Funeral Service Director Law and Rule Examination, with a score of at least 75%.

(2) An applicant for licensure as a ~~[funeral service director,] funeral service intern, ~~preneed sales agent~~~~ or funeral service director by endorsement shall pass the Utah Funeral Service Director Law and Rule Examination, with a score of at least 75%.

(3) An applicant for licensure as a preneed sales agent shall pass the Utah Preneed Funeral Arrangement Sales Agent Law and Rule Examination, with a score of at least 75%.

~~(3)~~4 An individual who fails the Utah Funeral Service Director Law and Rule Examination, or the Utah Preneed Funeral Arrangement Sales Agent Law and Rule Examination, may retake the failed examination:

(a) no more than three times within a ~~[six]~~three month period; and

(b) no earlier than three months following any failure thereafter.

R156-9-304. Continuing Professional Education - Funeral Service Directors.

In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b) and Section 58-9-304, the continuing education

requirements for funeral service directors is defined, clarified or established as follows:

(1) Continuing professional education shall consist of 20 hours of qualified continuing professional education in each preceding two-year period of licensure or expiration of licensure.

(2) If a renewal period is shortened or extended to effect a change of renewal cycle or if an initial license is granted for a period of less than two years, the continuing professional education hours required for that period shall be increased or decreased ~~[accordingly as a pro-rata amount of the requirements of a two-year period]~~proportionately.

(3) The standards for qualified continuing professional education are:

(a) College classes, seminars, or workshops sponsored by professional associations in areas related to funeral service will generally qualify for continuing professional education (CPE) if the education contributes to the professional competence and knowledge of the funeral service director and if the program complies with the standards set forth under Subsection (b).

(b) CPE programs shall meet the following standards:

(i) the course shall be formally organized and be primarily instructional;

(ii) the sponsor shall prepare an outline of the course which shall be retained for a minimum of four years following the presentation;

(iii) the sponsor shall list the hour rating of the course in the course outline. One hour of CPE shall be credited for each 50 minute period of instruction;

(iv) the sponsor shall record and keep an accurate record of course attendance including the date, place, and the name of the licensed funeral service directors attending the course; and

(v) the sponsor shall issue a certificate of completion listing the time, date, place, name of licensee, number of hours of CPE completed and the course title.

(c) Formal correspondence or other individual study programs which require registration shall provide evidence of satisfactory completion including test results and meet all other requirements as specified in this section will qualify.

(d) Each semester hour of college credit shall equal 15 hours of CPE. A quarter hour shall equal ten hours of CPE.

(4) Upon written request from the licensee, the Board may waive the requirement for CPE as provided in Section R156-1-308d.

(5) The licensee is responsible to insure that the program will qualify for CPE. Each licensee shall keep an accurate record of CPE on forms supplied by the Division. The records shall be maintained for a minimum of four years.

(6) The Division in collaboration with the Board shall perform random audits to determine if the licensee is in compliance with the CPE requirements. If audited, or upon request by the Division, the licensee is responsible to submit documentation of compliance with CPE requirements.

R156-9-401. Facility/Staff Requirements.

(1) The funeral service establishment is responsible for the maintenance and safe operation of equipment used in funeral services and to insure that the facility is in compliance with the local or state health, fire and life safety codes. All ~~[mortuaries]~~funeral service establishments shall be kept and

maintained in a clean and sanitary condition, and all refrigeration units, embalming tables, sinks, receptacles, instruments, and other appliances used in embalming, ~~and~~ cremation, or alkaline hydrolysis, of dead human bodies shall be thoroughly cleansed and disinfected.

(2) The funeral service director is responsible to comply with the standards established by the Occupational Safety and Health Administration for the Federal Government and for the State of Utah.

(3) A funeral establishment or a number of funeral establishments under one management shall contain:

(a) a preparation room equipped with tile, cement, or composition floor, necessary drainage and ventilation. Every preparation room shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials and supplies. All refuse, bandages, cotton, and other waste materials shall be destroyed in a sanitary manner, in accordance with health regulations.

(b) necessary instruments, supplies and proper protective clothing for the preparation and embalming of dead human bodies for burial, transportation, or other disposition.

(4) The care and preparation of the body for burial or other disposition of all human dead bodies shall be strictly private. No one shall be allowed in the embalming room while a dead body is being embalmed, except the licensed embalmer, intern, staff, public officials in the discharge of their duties and upon request, members of the immediate family of the deceased.

R156-9-607. Contract Forms - Division Model.

(1) ~~[To assist applicants for a funeral service establishment license, the Division shall publish a model guaranteed preneed funeral arrangement contract form which meets the requirements of Section 58-9-701.~~

~~(2) [In accordance with [the provisions of] Subsection 58-9-302(3)(e), a funeral service establishment [must submit to the Division a copy of the preneed contract form it intends to market for initial licensure and then] shall ensure that if any amendments are made to [the preneed section in the future], any form of contract or agreement that is filed with its application for licensure, the amendments [shall] meet the requirements [set forth in] of Section 58-9-701 before [the] that contract or agreement is [form may be] used in any marketing or sale of [the licensee's] preneed funeral arrangements [plan under that contract form].~~

~~(3) [2] In accordance with the provisions of Subsection 58-9-701(2)(a), easy-to-read type size is [hereby] defined to be of a type size large enough to accommodate no more than six lines per vertical inch and no more than 15 characters per horizontal inch.~~

~~(4) [3] After April 30, 2007, a new preneed contract form is not required to contain a clause indicating that the Division has approved the contract. Preneed contract forms approved prior to April 30, 2007, shall continue to contain a clause indicating approval by the Division.~~

KEY: funeral industries, licensing, funeral service directors, preneed funeral arrangements

Date of Enactment or Last Substantive Amendment: ~~[October 9, 2014]~~ **2018**

Notice of Continuation: April 26, 2016

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-9-504

Environmental Quality, Waste Management and Radiation Control, Waste Management **R315-15-16** Grants

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43081

FILED: 07/13/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R315-15-16 implements the provisions of Section 19-6-720 of the Used Oil Management Act regarding used oil grants that are used for establishing and supporting do-it-yourselfer (DIYer) used oil collection centers. These proposed changes to the used oil grant section of the used oil rule provide additional clarity and more detailed direction to the grant application, issuance, implementation, and reimbursement processes. These proposed changes result in greater alignment between the rule and the actual grant application package and implementation procedures and processes. Additionally, in January 2018, the Division of Waste Management and Radiation Control, Waste Management provided the Administrative Rules Review Committee with a draft of the proposed changes in response to the Committee's action that rulemaking be undertaken to fully address the used oil grant application and reimbursement processes for DIYer used oil collection centers. On 07/12/2018, the Waste Management and Radiation Control Board approved the proposed changes to Section R313-15-16 for filing and publication in the Utah State Bulletin for public review and comment.

SUMMARY OF THE RULE OR CHANGE: In Subsection R315-15-16(16.1), the list of authorized uses of the grant funds is expanded to match the list in Section 19-6-720 of the Used Oil Management Act. The following ten new subsections are proposed to be added: Subsection R315-15-16(16.4) specifies the requirements to qualify for reimbursement of transportation costs from certain DIYer used oil collection centers from rural locations; Subsection R315-15-16(16.5) states matching funds from grant applicants are not required, stipulates certain grant funding actions by the Director, and requires submittal of bids to be paid by grant; Subsection R315-15-16(16.6) describes the content of the grant application form; Subsection R315-15-16(16.7) requires submittal of an original grant application to the Director; Subsection R315-15-16(16.8) states grant

recipients may be subject to a desk or field audit, and requires grant recipient to maintain records and documents associated with grant expenditures; Subsection R315-15-16(16.9) requires submittal of a final report and identifies the report contents; Subsection R315-15-16(16.10) describes actions the Director may take if the grantee fails to comply with the grant requirements; Subsection R315-15-16(16.11) specifies grant payment submittals and procedures; Subsection R315-15-16(16.12) specifies Director actions to approve grant payments and forward to the Division of Finance; and Subsection R315-15-16(16.13) specifies requirements for grant closeout by the Director and for grantee record retention and availability.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-704 and Section 19-6-720

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Grants are paid from the Used Oil Collection Administration Account established in Section 19-6-719 of the Used Oil Management Act. A used oil collection center grant can vary since the amount of the grant is based on an individual grantee's application, and the nature and scope of the specific project(s). Because of the variability in a given grant request, total costs cannot be quantified, but past grants to entities funded from the state budget, such as higher education institutions and school districts, have ranged from \$500 to \$3,000.

◆ **LOCAL GOVERNMENTS:** Local health departments and some local school districts have received several grants in the past that have ranged from \$500 to \$3,000. Because of the variability in a given grant request, total costs cannot be quantified.

◆ **SMALL BUSINESSES:** Small businesses that serve as a used oil collection can apply for a grant and in the past have received grants that have ranged from \$500 to \$3,000. Because of the variability in a given grant request, total costs cannot be quantified.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Big box retailers that typically provide auto maintenance services to the public and serve as a used oil collection center can apply for a grant. Although none have applied for a grant in the past, it is assumed they could receive a grant within the same range as other previous grant recipients (i.e., from \$500 to \$3,000). Because of the variability in a given grant request, total costs cannot be quantified.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because grants are voluntary there are no actual compliance costs, nor does a grant require matching funds. However, other funds may be used in combination with the grant in order to expand the proposed grant-related project. Any costs incurred by a grantee are typically associated with the application preparation, grant expenditure verification, and completion report and vary based on the specific grant activity.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A critical component of a successful used oil recycling program is establishing collection centers convenient to the public, particularly for a DIYer who changes their own oil from personal vehicles or home equipment. This is especially true for rural areas of Utah. In support of establishing DIYer used oil collection centers, businesses and governmental entities can apply for a grant. In the past, grants have ranged from \$500 to \$3,000. Because grants are voluntary there are no compliance costs. Additionally, grants do not require matching funds, any costs incurred by a grantee are typically associated with the application preparation, grant expenditure verification, and completion report and vary based on the specific grant activity.

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

ENVIRONMENTAL QUALITY
WASTE MANAGEMENT AND RADIATION
CONTROL, WASTE MANAGEMENT
SECOND FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3097
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov
- ◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 09/14/2018

AUTHORIZED BY: Scott Anderson, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0

Total Fiscal Costs:	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant
Fiscal Benefits			
State Government	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant
Local Government	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant
Small Businesses	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant
Non-Small Businesses	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant	\$500 to \$3,000 per grant
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$1,500 to \$9,000 per grant	\$1,500 to \$9,000 per grant	\$1,500 to \$9,000 per grant
Net Fiscal Benefits:	\$1,000 to \$6,000 per grant	\$1,000 to \$6,000 per grant	\$1,000 to \$6,000 per grant

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There is currently a single non-small company with an NAIC code of 452311 with multiple locations throughout the state that participates in the do-it-yourselfer (DIYer) used oil collection center program. This non-small business has not ever requested or applied for a used oil grant. Although they have not applied for a grant in the past, it is assumed they may choose to apply for and receive a grant within the same range as other previous grant recipients (i.e., from \$500 to \$3,000). Because of the variability of a given grant request, total costs are inestimable and therefore cannot be quantified.

The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-15. Standards for the Management of Used Oil.

R315-15-16. Grants.

16.1 STATUTORY AUTHORITY.

Utah Code Annotated 19-6-720 authorizes the Division of Waste Management and Radiation Control to award grants, as funds are available, for the following:

(a) ~~Used oil collection centers; and~~

(b) Used oil collection events;

~~(c) Curbside used oil collection programs, including costs of retrofitting trucks, curbside containers, and other costs of collection programs; and~~

~~(d) Public education programs and outreach.~~

16.2 ELIGIBILITY AND APPLICATION.

(a) The establishment of new or the enhancement of existing used oil collection centers or curbside collection programs that address the proper management of used lubricating oil may be eligible for grant assistance.

(b) A Used Oil Recycling Block Grant Application Package, ~~published~~ made available by the Director, shall be completed and submitted to the Director for consideration.

16.3 LIMITATIONS.

(a) The grantee ~~must~~ shall commit to perform the permitted used oil handling activity for a minimum of two years.

(b) If the two-year commitment is not fulfilled, the grantee may be required to repay all or a portion of the grant amount.

16.4 USED OIL TRANSPORTATION COSTS FROM USED OIL COLLECTION CENTERS

(a) Grant funds may be used for costs for a permitted used oil transporter to collect and transport used oil from a used oil collection center (UOCC) located within a rural area that meets the following criteria:

(1) accepts only:

(i) DIYER used oil, Type A UOCC; or

(ii) both DIYER and farmer used oil, Type B UOCC

(2) is located in a Class 4 municipality, as described in Section 10-2-301, or in an area with a population less than that of a Class 4 municipality;

(3) stays active with the Used Oil Program for at least two years after receiving the grant or the grant funds shall be reimbursed;

(4) completes a grant application that is signed by the owner of the collection center; and

(5) obtains a minimum of one transportation bid from a permitted used oil transporter in accordance with Section R33-5-104.

(b) Grant funds may be used for costs for a permitted used oil transporter to collect and transport used oil from a Type C Used Oil Collection Center if the UOCC meets the following criteria:

(1) Is a Utah municipal landfill that is registered as a Type C used oil collection center with the Division of Waste Management and Radiation Control;

(2) Only allows small businesses that qualify as a Very Small Quantity Generator (VSOGs) of hazardous waste, to deliver used oil in a volume of less than 55 gallons per visit per day; and

(3) One transportation bid from a permitted used oil transporter is submitted for requests less than \$1,000.00, or three bids if over \$1,000.00.

(c) Grant funds may be considered for costs for a permitted used oil transporter to collect and transport used oil from a Used Oil Collection Center that does not meet the criteria outlined in Subsections R315-15-16.4(a) or (b) on a case-by-case basis.

16.5 FUNDING

(a) An applicant is not required to provide matching funds.

(b) The Director may withhold 10 percent of the funds from a grant recipient until the grant is completed and the final documentation submitted.

(c) The Director may approve a request for advance payment based upon justification offered by the applicant.

(d) A grant application shall include all bids for expenses to be paid by the grant in accordance with Rule R33-5.

16.6 APPLICATION CONTENTS

(a) A grant application form is part of the grant application package available from the Director and consists of the following sections:

(1) Applicant Information. The applicant shall include basic information regarding the applicant and the individual or entity responsible for the project implementation.

(2) Used Oil Project Request for Funding. The project funding request shall include the following:

(i) Background. The background information shall include a description of:

(A) The absence or existence of used oil collection opportunities in the area to be served by the used oil project; and

(B) The population of the proposed project area.

(ii) Project Description and Goals; and

(iii) Funding Sources.

(3) Project Budget. The project budget may include a cost breakdown of the following categories:

(i) Used oil transportation and disposal expenses.

(ii) Contractor or consultant expenses.

(iii) Construction expenses.

(iv) Equipment.

(v) Materials and supplies.

(vi) Public education and outreach.

(4) Eligibility summary. The applicant shall include, as applicable, the following information for each:

(i) Used oil collection center:

(A) Name of the facility;

(B) Physical address; and

(C) Phone number; and

(ii) Curbside collection program:

(A) Name, address, and phone number of the program operator;

(B) Number of residents served by the program; and

(C) Collection schedule

(5) Certification Statement and Signature.

16.7 APPLICATION SUBMISSION

Applicants shall submit an original application using the application package of Subsection R315-15-16.2(b) to the Director.

16.8 AUDIT REQUIREMENTS

(a) A grant may be subject to a desk or field audit.

(b) The grantee is responsible for maintaining source documents substantiating the expenditures claimed and shall make them available at the time of an audit.

(c) Records relating to the implemented program may include:

(1) Expenditure ledger;

(2) Paid warrants;

(3) Contracts;

(4) Change orders;

(5) Invoices; and

(6) Cancelled checks.

(c) Records shall be maintained for a period of three years from the date of final payment by the State.

16.9 ADMINISTRATIVE PROCEDURES

(a) A grantee shall submit a final report within one month of completion of the project or by a later date specified by the Director. The report shall include the following information:

(1) A description of the completed used oil collection program, including any amendments;

(2) The estimated number of participants in the program;

(3) A description of the program's public education efforts;

(4) A description of measures taken to continue the program; and

(5) A complete and final itemization of how grant funds were expended.

16.10 FAILURE TO COMPLY

Failure to comply with the agreement requirements may result in the Director terminating, suspending, or requiring the grantee to repay some or all of the grant.

16.11 GRANT PAYMENTS

(a) General Requirements.

(1) The Director shall reimburse the grantee for performing only those services as specified in the grant application. Any deviations from the use of funds specified in the application shall be approved by the Director before an expenditure for that item is made.

(2) Payment shall be made to the grantee only. It shall be the responsibility of the grantee to pay all contractors and subcontractors for purchased goods and services.

(3) The Director may withhold and retain ten percent of the grant award until the grant is completed and the final documentation submitted.

(4) Requests for advance payment shall be submitted in writing to the Director and demonstrate that the grantee will incur a specific expenditure(s) prior to or shortly after payment for the State. Suggested documentation includes:

(i) Purchase orders; and

(ii) Invoices.

(5) The Director may partially or fully deny advance payment requests.

(b) Submittal of payment requests.

(1) All payment requests shall be submitted using the completed Payment Request Form of the grant application package of Subsection R315-15-16.2(b) and signed by the individual authorized in the grant application.

(2) Payment requests shall include an itemization of all expenses by budget expense type.

(3) Payment requests shall include copies of documents supporting the claimed expenses, such as bids, receipts, canceled checks, and sole source justifications. Supporting documents shall contain sufficient information to establish purchases made or costs incurred. At a minimum, the documentation should include the name, amount, and date of purchase for the expense.

(4) All payment requests shall be submitted to the Director.

16.12 RELEASE OF FUNDS

(a) The Director shall review and approve all payment requests before payment is made. The grantee shall meet the following conditions before the Director shall process a payment request during the project term:

(1) The grantee has submitted any required project reports and the Director has deemed them to be satisfactory;

(2) The Director has received copies of applicable contracts and/or subcontracts; and

(3) The grantee has received applicable permits or permit waivers from governmental agencies and the Director has received copies of such documentation.

(b) After Director approval, payment requests shall be forwarded to the Division of Finance for issuance of pay warrants.

(c) If ten percent of the total grant was previously withheld, the Director shall release the remaining ten percent upon receipt and acceptance of the final report and final payment request.

16.13 GRANT CLOSEOUT

(a) The Director shall close out the grant when it is determined that all applicable administrative actions and all required work of the grant have been completed.

(b) Upon receipt of the final report, the Director shall ensure all work has been completed and all unexpended funds are refunded to the State.

(c) The grantee's obligations under the Terms and Conditions of the grant application package of Subsection R315-15-16.2(b) shall be deemed discharged only upon acceptance of the final report by the Director.

(d) The grantee shall retain all financial and project records, supporting documents, statistical records and other records of projects funded by this program. The Director, or his authorized representative, shall have access to all related records during progress of the project and for at least three years after completion.

KEY: ~~financial assurance, hazardous waste,~~ used oil, registration, grants, recycling

Date of Enactment or Last Substantive Amendment: ~~February 13, 2017~~ 2018

Notice of Continuation: March 10, 2016

Authorizing, and Implemented or Interpreted Law: 19-6-704; 19-6-720

**Environmental Quality, Waste Management and Radiation Control,
Waste Management
R315-260
Hazardous Waste Management System**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43079

FILED: 07/12/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2015, the EPA published final revisions to rules regulating the definition of solid waste that exclude certain hazardous secondary materials from regulation. The state of Utah adopted these rules in January of 2016. The federal rules were challenged in the United States Court of Appeals for the District of Columbia Circuit on 07/07/2017, and amended on 03/06/2018, and the court issued orders vacating certain provisions of the 2015 rule and reinstated corresponding provisions from a rule proposed in 2008. These proposed changes incorporate the revisions required by the court's orders.

SUMMARY OF THE RULE OR CHANGE: Section R315-260-30 is amended by removing Subsection R315-260-30(f) which allowed the Director to exclude from the definition of solid waste hazardous secondary materials that were transferred for reclamation at a verified reclamation facility. Section R315-260-31 is amended by removing Subsection R315-260-31(d) which contained the criteria for becoming a verified reclamation facility. Section R315-260-42 is amended by adding Subsection R315-260-42(a)(5) which requires reclaimers and intermediate facilities managing hazardous secondary materials to submit, along with other information, whether the reclaimer or intermediate facility has financial assurance. Section R315-260-43 is amended by removing Subsection R315-260-43(a)(4) which was one of the four mandatory factors used to determine if a facility's recycling is legitimate. Subsection R315-260-43(a) is amended to require facilities to meet three mandatory criteria in determining if their recycling is legitimate and to consider a fourth set of criteria which is added at Subsection R315-260-43(b).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-104 and Section 19-6-105 and Section 19-6-106

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule change will not affect the state budget because no state governmental entity is a verified recycler of hazardous secondary materials and does not generate or recycle hazardous secondary materials.
- ◆ **LOCAL GOVERNMENTS:** This rule change will not affect any local governments because no local governments are verified recyclers of hazardous secondary materials and do not generate or recycle hazardous secondary materials.
- ◆ **SMALL BUSINESSES:** It is anticipated that there will be no change in costs or savings to small businesses because there are no small businesses in the state of Utah that are registered as verified recyclers of hazardous secondary materials. Additionally, the change to the factors for determining the legitimacy of recycling operations for hazardous secondary materials simply replaces a mandatory factor with a factor to be considered, but not required, for the process to be considered legitimate.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is anticipated that there will be no change in costs or savings to persons other than small businesses, businesses or local governments because there are no such persons in the state of Utah that are registered as verified recyclers of hazardous secondary materials. Additionally, the change to the factors for determining the legitimacy of recycling operations for hazardous secondary materials simply replaces a mandatory factor with a factor to be considered, but not required, for the process to be considered legitimate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that there will be no additional compliance costs for affected persons associated with these rule amendments since they replace mandatory requirements with more discretionary considerations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since this rule was adopted in January of 2016, there have been no businesses in the state of Utah that have registered as verified recyclers. Only two businesses have notified that they are engaged in the recycling, either on-site or off-site, of hazardous secondary materials. It is not anticipated that these rule changes will have any fiscal impact on the operation of these facilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 WASTE MANAGEMENT AND RADIATION
 CONTROL, WASTE MANAGEMENT
 SECOND FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3097
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov

◆ Thomas Ball by phone at 801-536-0251, or by Internet E-mail at tball@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 09/14/2018

AUTHORIZED BY: Scott Anderson, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
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Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
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Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because there are no businesses in the state of Utah that are registered as verified recyclers or intermediate facilities reclaiming hazardous secondary materials. Additionally there are only two facilities with NAICS codes 33231 and 324110 in the state of Utah that have notified the Division of Waste Management and Radiation Control, Waste Management that they are engaged in the recycling, either on-site or off-site, of hazardous secondary materials and the rule changes is not expected to have any fiscal impact on them since they replace mandatory requirements with more discretionary considerations.

The head of Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**R315-260. Hazardous Waste Management System.****R315-260-30. Non-Waste Determinations and Exclusion from Classification as a Solid Waste.**

In accordance with the standards and criteria in Sections R315-260-31 and 34 and the procedures in Section R315-260-33, the Director may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(a) Materials that are accumulated speculatively without sufficient amounts being recycled, as defined in Subsection R315-261-1(c)(8);

(b) Materials that are reclaimed and then reused within the original production process in which they were generated;

(c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

(d) Hazardous secondary materials that are reclaimed in a continuous industrial process; and

(e) Hazardous secondary materials that are indistinguishable in all relevant aspects from a product or intermediate; and

~~(f) Hazardous secondary materials that are transferred for reclamation under Subsection R315-261-4(a)(24) and are managed at a verified reclamation facility or intermediate facility where the management of the hazardous secondary materials is not addressed under a Part B permit or interim status standards].~~

R315-260-31. Standards and Criteria for Exclusion from Classification as a Solid Waste.

(a) The Director may grant requests for exclusion from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If exclusion is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The Director's decision will be based on the following criteria:

(1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur, for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling;

(2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

(3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(4) The extent to which the material is handled to minimize loss; and

(5) Other relevant factors.

(b) The Director may grant requests for exclusion from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(2) The extent to which the material is handled before reclamation to minimize loss;

(3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(4) The location of the reclamation operation in relation to the production process;

(5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(6) Whether the person who generates the material also reclaims it; and

(7) Other relevant factors.

(c) The Director may grant requests for exclusion from classifying as a solid waste those hazardous secondary materials that have been partially reclaimed, but must be reclaimed further before recovery is completed, if the partial reclamation has produced a commodity-like material. A determination that a partially-reclaimed material for which the change in classification is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled as specified in Section R315-260-43 and on whether all of the following decision criteria are satisfied:

(1) Whether the degree of partial reclamation the material has undergone is substantial as demonstrated by using a partial reclamation process other than the process that generated the hazardous waste;

(2) Whether the partially reclaimed material has sufficient economic value that it will be purchased for further reclamation;

(3) Whether the partially-reclaimed material is a viable substitute for a product or intermediate produced from virgin or raw materials which is used in subsequent production steps;

(4) Whether there is a market for the partially-reclaimed material as demonstrated by known customer(s) who are further reclaiming the material, e.g., records of sales and/or contracts and evidence of subsequent use, such as bills of lading; and

(5) Whether the partially-reclaimed material is handled to minimize loss.

~~(d) The Director may grant requests for an exclusion from classification as a solid waste those hazardous secondary materials that are transferred for reclamation under Subsection R315-261-4(a)(24) and are managed at a verified reclamation facility or intermediate facility where the management of the hazardous secondary materials is not addressed under a Part B permit or interim status standards. The Director's decision will be based on the following criteria:~~

~~(1) The reclamation facility or intermediate facility shall demonstrate that the reclamation process for the hazardous secondary materials is legitimate pursuant to Section R315-260-43;~~

~~(2) The reclamation facility or intermediate facility shall satisfy the financial assurance condition in Subsection R315-261-4(a)(24)(vi)(F);~~

~~(3) The reclamation facility or intermediate facility shall not be subject to a formal enforcement action in the previous three years and not be classified as a significant non-complier, or shall provide credible evidence that the facility will manage the hazardous secondary materials properly. Credible evidence may include a demonstration that the facility has taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials;~~

~~(4) The intermediate or reclamation facility shall have the equipment and trained personnel needed to safely manage the hazardous secondary material and shall meet emergency preparedness and response requirements under Sections R315-261-400 through 420;~~

~~(5) If residuals are generated from the reclamation of the excluded hazardous secondary materials, the reclamation facility shall have the permits required, if any, to manage the residuals, have a contract with an appropriately permitted facility to dispose of the residuals or present credible evidence that the residuals will be managed in a manner that is protective of human health and the environment, and~~

~~(6) The intermediate or reclamation facility shall address the potential for risk to proximate populations from unpermitted releases of the hazardous secondary material to the environment; i.e., releases that are not covered by a permit, such as a permit to discharge to water or air, which may include, but are not limited to, potential releases through surface transport by precipitation runoff, releases to soil and groundwater, wind-blown dust, fugitive air emissions, and catastrophic unit failures, and shall include consideration of potential cumulative risks from other nearby potential stressors.]~~

R315-260-42. Notification Requirement for Hazardous Secondary Materials.

(a) Facilities managing hazardous secondary materials under [Subsections]Section R315-260-30, or Subsections R315-261-4(a)(23), (24), ~~(25)~~, or (27) shall send a notification prior to operating under the [exclusion(s)]regulatory provision and by March 1 of each even numbered year thereafter to the Director using EPA Form 8700-12 that includes the following information:

(1) The name, address, and EPA ID number, if applicable, of the facility;

(2) The name and telephone number of a contact person;

(3) The NAICS code of the facility;

(4) The regulation under which the hazardous secondary materials shall be managed;

(5) For reclaimers and intermediate facilities managing hazardous secondary materials in accordance with Subsections R315-261-4(a)(24) or (25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);

~~(5)6~~ When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;

~~(6)7~~ A list of hazardous secondary materials that shall be managed according to the regulation, reported as the EPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes;

~~(7)8~~ For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;

~~(8)9~~ The quantity of each hazardous secondary material to be managed annually; and

~~(9)10~~ The certification, included in EPA Form 8700-12, signed and dated by an authorized representative of the facility.

(b) If a facility managing hazardous secondary materials has submitted a notification, but then subsequently stops managing hazardous secondary materials in accordance with the regulation(s) listed above, the facility shall notify the Director within thirty days using EPA Form 8700-12. For purposes of Section R315-260-42, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages and/or reclaims hazardous secondary materials under the regulation(s) above and does not expect to manage any amount of hazardous secondary materials for at least 1 year.

R315-260-43. Legitimate Recycling of Hazardous Secondary Materials.

(a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations shall be legitimate. Hazardous secondary material that is not legitimately recycled is discarded material and is a solid waste. In determining if their recycling is legitimate, persons shall address all the requirements of Subsections R315-260-43(a)(1) through ~~(4)3~~ and shall consider the requirements of Subsection R315-260-43(b).

(1) Legitimate recycling shall involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it:

(i) Contributes valuable ingredients to a product or intermediate; or

(ii) Replaces a catalyst or carrier in the recycling process; or

(iii) Is the source of a valuable constituent recovered in the recycling process; or

(iv) Is recovered or regenerated by the recycling process; or

(v) Is used as an effective substitute for a commercial product.

(2) The recycling process shall produce a valuable product or intermediate. The product or intermediate is valuable if it is:

(i) Sold to a third party; or

(ii) Used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

(3) The generator and the recycler shall manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material shall be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material shall be contained. Hazardous secondary materials that are released to the environment and are not recovered immediately are discarded.

(b) The following factor shall be considered in making a determination as to the overall legitimacy of a specific recycling activity.

(1) The product of the recycling process does not:

(i) Contain significant concentrations of any hazardous constituents found in Section R315-261-1092 that are not found in analogous products; or

(ii) Contain concentrations of hazardous constituents found in Section R315-261-1092 at levels that are significantly elevated from those found in analogous products, or

(iii) Exhibit a hazardous characteristic, as defined in Subsections R315-261-20 through 24, that analogous products do not exhibit.

(2) In making a determination that a hazardous secondary material is legitimately recycled, persons shall evaluate all factors and consider legitimacy as a whole. If, after careful evaluation of these considerations, the factor in this paragraph is not met, then this fact may be an indication that the material is not legitimately recycled. However, the factor in this paragraph does not have to be met for the recycling to be considered legitimate. In evaluating the extent to which this factor is met and in determining whether a process that does not meet this factor is still legitimate, persons can consider exposure from toxics in the product, the bioavailability of the toxics in the product and other relevant considerations.

~~_____ (4) The product of the recycling process shall be comparable to a legitimate product or intermediate:~~

~~_____ (i) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if:~~

~~_____ (A) The product of the recycling process does not exhibit a hazardous characteristic, as defined in Sections R315-261-20 through 24, that analogous products do not exhibit, and~~

~~_____ (B) The concentrations of any hazardous constituents found in appendix VIII of Rule R315-261 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely recognized commodity standards and specifications, in the case where the commodity standards and specifications include levels that specifically address those hazardous constituents.~~

~~_____ (ii) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if:~~

~~_____ (A) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications, e.g., commodity specification grades for common metals, or~~

~~_____ (B) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused, e.g., closed loop recycling.~~

~~_____ (iii) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate per Subsection R315-260-43(a)(4)(i) or (ii), the recycling still may be shown to be legitimate, if it meets the following specified requirements. The person performing the recycling shall conduct the necessary assessment and prepare documentation showing why the recycling is, in fact, still legitimate. The recycling can be shown to be legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations which show that the recycled product does not contain levels of hazardous~~

~~constituents that pose a significant human health or environmental risk. The documentation shall include a certification statement that the recycling is legitimate and shall be maintained on-site for three years after the recycling operation has ceased. The person performing the recycling shall notify the Director of this activity using EPA Form 8700-12.]~~

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment: [~~August 31, 2017~~2018

Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-6-105; 19-6-106

Environmental Quality, Waste Management and Radiation Control, Waste Management **R315-261** General Requirements -- Identification and Listing of Hazardous Waste

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43080

FILED: 07/12/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2015, the EPA published final revisions to rules regulating the definition of solid waste that exclude certain hazardous secondary materials from regulation. The state of Utah adopted these rules in January of 2016. The federal rules were challenged in the United States Court of Appeals for the District of Columbia Circuit on 07/07/2017, and amended on 03/06/2018, issued orders vacating certain provisions of the 2015 rule and reinstated corresponding provisions from a rule proposed in 2008. The proposed changes incorporate the revisions required by the court's orders.

SUMMARY OF THE RULE OR CHANGE: Section R315-261-4 is amended by changing the number of factors at Subsection R315-261-4(23)(ii)(E) to be considered when determining if the recycling is legitimate from four to three and by adding the requirement to consider the factor found at Subsection R315-260-43(b). Section R315-261-4 is amended by removing the term "verified reclamation facility" from Subsection R315-261-4(24) and replacing it with the term "another person". Section R315-261-4 is amended by replacing the requirements at Subsection R315-261-4(24)(v) (B) that required a hazardous secondary material generator to send hazardous secondary materials to a verified reclamation facility with requirements for generators who send their hazardous secondary materials to be recycled to make a reasonable effort to ensure that each reclaimer

intends to properly and legitimately reclaim the hazardous secondary materials. Section R315-261-4 is amended by adding a new Subsection R315-261-4(24)(v)(C) that requires a hazardous secondary material generator to maintain documentation that reasonable efforts were made to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary materials. Section R315-261-4 is amended by removing Subsection R315-261-4(24)(vi)(G) which required reclaimers and intermediate facilities to have been granted an exclusion under Subsection R315-260-31(d), which has been deleted by this rule filing, or have a Part B permit. Section R315-261-4 is amended by adding Subsection R315-261-4(25), which was previously reserved. The language added contains the requirements for the exporting of hazardous secondary materials for reclamation in a foreign country. Section R315-261-4 is amended by deleting the phrase, "operating under a verified recycler exclusion under Subsection R315-260-31(d)" from Subsections R315-261-400(a) and (b), 410(e), (f)(1) and (f)(2), 411, 411(b), 411(c) and 411(d)(3), 420, 420(a)(1) and 420(b)(2).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-104 and Section 19-6-105 and Section 19-6-106

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** These rule changes will not affect the state budget because no state governmental entity is a verified recycler of hazardous secondary materials and does not generate or recycle hazardous secondary materials.
- ◆ **LOCAL GOVERNMENTS:** These rule changes will not affect any local governments because no local governments are verified recyclers of hazardous secondary materials and do not generate or recycle hazardous secondary materials.
- ◆ **SMALL BUSINESSES:** It is anticipated that there will be no change in costs or savings to small businesses because there are no small businesses in the state of Utah that are registered as verified recyclers of hazardous secondary materials. Additionally, the change to the factors for determining the legitimacy of recycling operations for hazardous secondary materials simply replaces a mandatory factor with a factor to be considered, but not required, for the process to be considered legitimate.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is anticipated that there will be no change in costs or savings to persons other than small businesses, businesses, or local governments because there are no such persons in the state of Utah that are registered as verified recyclers of hazardous secondary materials. Additionally, the change to the factors for determining the legitimacy of recycling operations for hazardous secondary materials simply replaces a mandatory factor with a factor to be considered, but not required, for the process to be considered legitimate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is anticipated that there will be no additional compliance costs for affected persons associated with these rule amendments

since they replace mandatory requirements with more discretionary considerations.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since this rule was adopted in January of 2016 there have been no businesses in the state of Utah that have registered as verified recyclers. Only two businesses have notified the Division of Waste Management and Radiation Control, Waste Management that they are engaged in the recycling, either on-site or off-site, of hazardous secondary materials. It is not anticipated that these rule changes will have any fiscal impact on the operation of these facilities.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 WASTE MANAGEMENT AND RADIATION CONTROL, WASTE MANAGEMENT
 SECOND FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3097
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Appendix 2: Regulatory Impact to Non-Small Businesses

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because there are no businesses in the state of Utah that are registered as verified recyclers or intermediate facilities reclaiming hazardous secondary materials. Additionally, there are only two facilities with NAICS codes 33231 and 324110 in the state of Utah that have notified the Division of Waste Management and Radiation Control, Waste Management that they are engaged in the recycling, either on-site or off-site, of hazardous secondary materials and these rule changes are not expected to have any fiscal impact on them since they replace mandatory requirements with more discretionary considerations.

The head of Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-261. General Requirements – Identification and Listing of Hazardous Waste.

R315-261-4. Exclusions.

(a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of Rule R315-261:

- (1)(i) Domestic sewage; and
- (ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(2) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while

they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

(3) Irrigation return flows.

(4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.

(5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

(6) Pulping liquors, i.e., black liquor, that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in Subsection R315-261-1(c).

(7) Spent sulfuric acid used to produce virgin sulfuric acid provided it is not accumulated speculatively as defined in Subsection R315-261-1(c).

(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion, such as occurs in boilers, industrial furnaces, or incinerators;

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(9)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in Subsections R315-261-4(a)(9)(i) and (ii), so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in 40 CFR 265.440 through 265.445, which are adopted and incorporated by reference, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

(E) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant shall

maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Director for reinstatement. The Director may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that the violations are not likely to recur.

(10) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic specified in Section R315-261-24, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums, if shipped and not land disposed before recovery.

(12)(i) Oil-bearing hazardous secondary materials, i.e., sludges, byproducts, or spent materials, that are generated at a petroleum refinery, SIC code 2911, and are inserted into the petroleum refining process, SIC code 2911-including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units, i.e., cokers, unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under Subsection R315-261-4(12)(i), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in Subsection R315-261-4(a)(12)(ii), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry, i.e., from sources other than petroleum refineries, are not excluded under Section R315-261-4. Residuals generated from processing or recycling materials excluded under Subsection R315-261-4(a)(12)(i), where such materials as generated would have otherwise met a listing under Sections R315-261-30 through R315-261-35, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in Subsection R315-261-4(a)(12)(i). Recovered oil is oil that has been reclaimed from secondary materials, including wastewater, generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto, SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172. Recovered oil does not include oil-bearing hazardous wastes listed in Sections R315-261-30 through 35; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in Subsection 19-6-703(19).

(13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(14) Shredded circuit boards being recycled provided that they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(16) Reserved.

(17) Spent materials, as defined in Section R315-261-1, other than hazardous wastes listed in Sections R315-261-30 through 35, generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that:

(i) The spent material is legitimately recycled to recover minerals, acids, cyanide, water or other values;

(ii) The spent material is not accumulated speculatively;

(iii) Except as provided in Subsection R315-261-4(a)(17)(iv), the spent material is stored in tanks, containers, or buildings meeting the following minimum integrity standards: a building shall be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support, except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion, and have a roof suitable for diverting rainwater away from the foundation; a tank shall be free standing, not be a surface impoundment, as defined in Section R315-260-10, and be manufactured of a material suitable for containment of its contents; a container shall be free standing and be manufactured of a material suitable for containment of its contents. If tanks or containers contain any particulate which may be subject to wind dispersal, the owner/operator shall operate these units in a manner which controls fugitive dust. Tanks, containers, and buildings shall be designed, constructed and operated to prevent significant releases to the environment of these materials.

(iv) The Director may make a site-specific determination, after public review and comment, that only solid mineral processing spent material may be placed on pads rather than tanks containers, or buildings. Solid mineral processing spent materials do not contain any free liquid. The Director shall affirm that pads are designed, constructed and operated to prevent significant releases of the secondary material into the environment. Pads shall provide the same degree of containment afforded by the non-RCRA tanks, containers and buildings eligible for exclusion.

(A) The Director shall also consider if storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, air exposure pathways are: The volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway, and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

(B) Pads shall meet the following minimum standards: Be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material, capable of withstanding physical stresses associated with placement and removal, have run on/runoff controls, be operated in a manner which controls

fugitive dust, and have integrity assurance through inspections and maintenance programs.

(C) Before making a determination under Subsection R315-261-4(a)(17)(iv), the Director shall provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

(v) The owner or operator provides notice to the Director providing the following information: The types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification shall be updated when there is a change in the type of materials recycled or the location of the recycling process.

(vi) For purposes of Subsection R315-261-4(b)(7), mineral processing spent materials shall be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

(18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process, SIC code 2911, along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability, as defined in Section R315-261-21, and/or toxicity for benzene, Section R315-261-24, waste code D018; and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically co-located with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials, i.e., sludges, byproducts, or spent materials, including wastewater, from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in Subsection R315-261-1(c).

(20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions specified are satisfied:

(i) Hazardous secondary materials used to make zinc micronutrient fertilizers shall not be accumulated speculatively, as defined in Subsection R315-261-1(c)(8).

(ii) Generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers shall:

(A) Submit a one-time notice to the Director, which contains the name, address and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-

bearing hazardous secondary materials under the conditions specified in Subsection R315-261-4(a)(20).

(B) Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose shall be an engineered structure made of non-earth materials that provide structural support, and shall have a floor, walls and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose shall be structurally sound and, if outdoors, shall have roofs or covers that prevent contact with wind and rain. Containers used for this purpose shall be kept closed except when it is necessary to add or remove material, and shall be in sound condition. Containers that are stored outdoors shall be managed within storage areas that:

(I) Have containment structures or systems sufficiently impervious to contain leaks, spills and accumulated precipitation; and

(II) Provide for effective drainage and removal of leaks, spills and accumulated precipitation; and

(III) Prevent run-on into the containment system.

(C) With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of Subsection R315-261-4(a)(20).

(D) Maintain at the generator's or intermediate handlers' facility for no less than three years records of all shipments of excluded hazardous secondary materials. For each shipment these records shall at a minimum contain the following information:

(I) Name of the transporter and date of the shipment;

(II) Name and address of the facility that received the excluded material, and documentation confirming receipt of the shipment; and

(III) Type and quantity of excluded secondary material in each shipment.

(iii) Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials shall:

(A) Store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in Subsection R315-261-4(a)(20)(ii)(B).

(B) Submit a one-time notification to the Director that, at a minimum, specifies the name, address and EPA ID number of the manufacturing facility, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in Subsection R315-261-4(a)(20).

(C) Maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which shall at a minimum identify for each shipment the name and address of the generating facility, name of transporter and date the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

(D) Submit to the Director an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial process(s) from which they were generated.

(iv) Nothing in Section R315-261-4 preempts, overrides or otherwise negates the provision in Section R315-262-11, which requires any person who generates a solid waste to determine if that waste is a hazardous waste.

(v) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in Subsection R315-261-4(a)(20)(ii)(A), and that afterward will be used only to store hazardous secondary materials excluded under Subsection R315-261-4(a)(20), are not subject to the closure requirements of Rules R315-264 and R315-265.

(21) Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under Subsection R315-261-4(a)(20), provided that:

- (i) The fertilizers meet the following contaminant limits:
- (A) For metal contaminants:

TABLE

Constituent	Maximum Allowable Concentration in Fertilizer, per Unit (1%) of Zinc ppm	Total Concentration (ppm)
Arsenic	0.3	
Cadmium	1.4	
Chromium	0.6	
Lead	2.8	
Mercury	0.3	

(B) For dioxin contaminants the fertilizer shall contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent.

(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing shall also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.

(iii) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of Subsection R315-261-4(a)(21)(ii). Such records shall at a minimum include:

- (A) The dates and times product samples were taken, and the dates the samples were analyzed;
- (B) The names and qualifications of the person(s) taking the samples;
- (C) A description of the methods and equipment used to take the samples;
- (D) The name and address of the laboratory facility at which analyses of the samples were performed;
- (E) A description of the analytical methods used, including any cleanup and sample preparation methods; and
- (F) All laboratory analytical results used to determine compliance with the contaminant limits specified in this Subsection R315-261-4(a)(21).

(22) Used cathode ray tubes (CRTs)

(i) Used, intact CRTs as defined in Section R315-260-10 are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in Subsection R315-261-1(c)(8) by CRT collectors or glass processors.

(ii) Used, intact CRTs as defined in Section R315-260-10 are not solid wastes when exported for recycling provided that they meet the requirements of Section R315-261-40.

(iii) Used, broken CRTs as defined in Section R315-260-10 are not solid wastes provided that they meet the requirements of Section R315-261-39.

(iv) Glass removed from CRTs is not a solid waste provided that it meets the requirements of Section R315-261-39(c).

(23) Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided that the material complies with Subsections R315-261-4(a)(23)(i) and (ii):

(i)(A) The hazardous secondary material is generated and reclaimed at the generating facility, for purposes of this definition, generating facility means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator; or

(B) The hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in Section R315-260-10, and if the generator provides one of the following certifications: "on behalf of (insert generator facility name), I certify that this facility will send the indicated hazardous secondary material to (insert reclaimer facility name), which is controlled by (insert generator facility name) and that (insert name of either facility) has acknowledged full responsibility for the safe management of the hazardous secondary material," or "on behalf of (insert generator facility name), I certify that this facility will send the indicated hazardous secondary material to (insert reclaimer facility name), that both facilities are under common control, and that (insert name of either facility) has acknowledged full responsibility for the safe management of the hazardous secondary material." For purposes of this paragraph, "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person as defined in Section R315-260-10 shall not be deemed to "control" such facilities. The generating and receiving facilities shall both maintain at their facilities for no less than three years records of hazardous secondary materials sent or received under this exclusion. In both cases, the records shall contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records, e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations; or

(C) The hazardous secondary material is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies the following: "On behalf of (insert tolling contractor name), I certify that (insert tolling contractor name) has a written contract with (insert toll manufacturer name) to manufacture (insert name of product or intermediate) which is made from specified unused materials, and that (insert tolling contractor name) will reclaim the hazardous secondary materials generated during this manufacture. On behalf of (insert tolling contractor name), I also certify that (insert tolling contractor name) retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process". The tolling

contractor shall maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer shall maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases, the records shall contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. These requirements may be satisfied by routine business records, e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations. For purposes of Subsection R315-261-4(a)(23)(i)(C), tolling contractor means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. Toll manufacturer means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

(ii)(A) The hazardous secondary material is contained as defined in Section R315-260-10. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded and a solid waste.

(B) The hazardous secondary material is not speculatively accumulated, as defined in Subsection R315-261-1(c)(8).

(C) Notice is provided as required by Section R315-260-42.

(D) The material is not otherwise subject to material-specific management conditions under Subsection R315-261-4(a) when reclaimed, and it is not a spent lead-acid battery, see Sections R315-266-80 and R315-273-2.

(E) Persons performing the recycling of hazardous secondary materials under this exclusion shall maintain documentation of their legitimacy determination on-site. Documentation shall be a written description of how the recycling meets all ~~four~~ three factors in Subsection R315-260-43(a) and how the factor in Subsection R315-260-43(b) was considered. Documentation shall be maintained for three years after the recycling operation has ceased.

(F) The emergency preparedness and response requirements found in Sections R315-261-400, 410, 411 and 420 are met.

(24) Hazardous secondary material that is generated and then transferred to ~~a verified reclamation facility~~ another person for the purpose of reclamation is not a solid waste, provided that:

(i) The material is not speculatively accumulated, as defined in Subsection R315-261-1(c)(8);

(ii) The material is not handled by any person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility or a claimer, and, while in transport, is not stored for more than 10 days at a transfer facility, as defined in Section R315-260-10, and is packaged according to applicable Department of Transportation regulations at 49 CFR parts 173, 178, and 179 while in transport;

(iii) The material is not otherwise subject to material-specific management conditions under Subsection R315-261-4(a) when reclaimed, and it is not a spent lead-acid battery, see Sections R315-266-80 and R315-273-2;

(iv) The reclamation of the material is legitimate, as specified under Section R315-260-43;

(v) The hazardous secondary material generator satisfies all of the following conditions:

(A) The material shall be contained as defined in Section R315-260-10. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for the purpose of recycling. Hazardous secondary material managed in a unit with leaks or other continuing releases is discarded and a solid waste.

(B) Prior to arranging for transport of hazardous secondary materials to a reclamation facility (or facilities) where the management of the hazardous secondary materials is not addressed under a hazardous waste part B permit or interim status standards, the hazardous secondary material generator shall make reasonable efforts to ensure that each claimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each claimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will be passing through an intermediate facility where the management of the hazardous secondary materials is not addressed under a hazardous waste part B permit or interim status standards, the hazardous secondary material generator shall make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator shall perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts shall be repeated at a minimum of every three years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each claimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the claimer or intermediate facility, and/or provided by a third party. The hazardous secondary material generator shall affirmatively answer all of the following questions for each reclamation facility and any intermediate facility:

(I) Does the available information indicate that the reclamation process is legitimate pursuant to Section R315-260-43? In answering this question, the hazardous secondary material generator can rely on their existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from other sources including the reclamation facility and audit reports about the reclamation process.

(II) Does the publicly available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities pursuant to Section R315-260-42 and have they notified the appropriate authorities that the financial assurance condition is satisfied per Subsection R315-261-4(a)(24)(vi)(F)? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements per Section R315-260-42, including the requirement in Subsection R315-260-42(a)(5) to notify the Director whether the claimer or intermediate facility has financial assurance.

(III) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three

years for violations of Sections R315-260 through 268, 270, and 273 and has not been classified as a significant non-complier with Sections R315-260 through 268, 270, and 273? In answering this question, the hazardous secondary material generator can rely on the publicly available information from EPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for violations of Sections R315-260 through 268, 270, and 273 and has been classified as a significant non-complier with Sections R315-260 through 268, 270, and 273, does the hazardous secondary material generator have credible evidence that the facilities will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can obtain additional information from EPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

(IV) Does the available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third party of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

(V) If residuals are generated from the reclamation of the excluded hazardous secondary materials, does the reclamation facility have the permits required (if any) to manage the residuals? If not, does the reclamation facility have a contract with an appropriately permitted facility to dispose of the residuals? If not, does the hazardous secondary material generator have credible evidence that the residuals will be managed in a manner that is protective of human health and the environment? In answering these questions, the hazardous secondary material generator can rely on publicly available information from EPA or the state, or information provided by the facility itself.

(C) The hazardous secondary material generator shall maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the management of the hazardous secondary materials is not addressed under a hazardous waste part B permit or interim status standards prior to transferring hazardous secondary material. Documentation and certification shall be made available upon request by the Director within 72 hours, or within a longer period of time as specified by the Director. The certification statement shall:

(I) Include the printed name and official title of an authorized representative of the hazardous secondary material generator company, the authorized representative's signature, and the date signed;

(II) Incorporate the following language: "I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to (insert name(s) of reclamation facility and any intermediate facility), reasonable efforts were made in accordance with Subsection R315-261-4(a)(24)(v)(B) to ensure that the hazardous secondary materials would be recycled legitimately, and otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information."

~~[(B) The hazardous secondary material generator shall arrange for transport of hazardous secondary materials to a verified reclamation facility, or facilities, in the United States. A verified reclamation facility is a facility that has been granted an exclusion under Subsection R315-260-31(d), or a reclamation facility where the management of the hazardous secondary materials is addressed under a hazardous waste Part B permit or interim status standards. If the hazardous secondary material will be passing through an intermediate facility, the intermediate facility shall have been granted an exclusion under Subsection R315-260-31(d) or the management of the hazardous secondary materials at that facility shall be addressed under a hazardous waste Part B permit or interim status standards, and the hazardous secondary material generator shall make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator.]~~

~~[(C)D] The hazardous secondary material generator shall maintain at the generating facility for no less than three years records of all off-site shipments of hazardous secondary materials. For each shipment, these records shall, at a minimum, contain the following information:~~

- ~~(I) Name of the transporter and date of the shipment;~~
- ~~(II) Name and address of each claimer and, if applicable, the name and address of each intermediate facility to which the hazardous secondary material was sent;~~
- ~~(III) The type and quantity of hazardous secondary material in the shipment.~~

~~[(D)E] The hazardous secondary material generator shall maintain at the generating facility for no less than three years confirmations of receipt from each claimer and, if applicable, each intermediate facility for all off-site shipments of hazardous secondary materials. Confirmations of receipt shall include the name and address of the claimer, or intermediate facility, the type and quantity of the hazardous secondary materials received and the date which the hazardous secondary materials were received. This requirement may be satisfied by routine business records, e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt;~~

~~[(E)F] The hazardous secondary material generator shall comply with the emergency preparedness and response conditions in Sections R315-261-400, 410, 411, and 420.~~

~~(vi) Reclaimers of hazardous secondary material excluded from regulation under this exclusion and intermediate facilities as defined in Section R315-260-10 satisfy all of the following conditions:~~

~~(A) The claimer and intermediate facility shall maintain at its facility for no less than three years records of all shipments of hazardous secondary material that were received at the facility and, if applicable, for all shipments of hazardous secondary materials that were received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records shall at a minimum contain the following information:~~

- ~~(I) Name of the transporter and date of the shipment;~~
- ~~(II) Name and address of the hazardous secondary material generator and, if applicable, the name and address of the claimer or intermediate facility which the hazardous secondary materials were received from;~~
- ~~(III) The type and quantity of hazardous secondary material in the shipment; and~~

(IV) For hazardous secondary materials that, after being received by the reclaimer or intermediate facility, were subsequently transferred off-site for further reclamation, the name and address of the, subsequent, reclaimer and, if applicable, the name and address of each intermediate facility to which the hazardous secondary material was sent.

(B) The intermediate facility shall send the hazardous secondary material to the reclaimer(s) designated by the hazardous secondary materials generator.

(C) The reclaimer and intermediate facility shall send to the hazardous secondary material generator confirmations of receipt for all off-site shipments of hazardous secondary materials. Confirmations of receipt shall include the name and address of the reclaimer, or intermediate facility, the type and quantity of the hazardous secondary materials received and the date which the hazardous secondary materials were received. This requirement may be satisfied by routine business records, e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt.

(D) The reclaimer and intermediate facility shall manage the hazardous secondary material in a manner that is at least as protective as that employed for analogous raw material and shall be contained. An "analogous raw material" is a raw material for which a hazardous secondary material is a substitute and serves the same function and has similar physical and chemical properties as the hazardous secondary material.

(E) Any residuals that are generated from reclamation processes shall be managed in a manner that is protective of human health and the environment. If any residuals exhibit a hazardous characteristic according to Sections R315-261-20 through 24, or if they themselves are specifically listed in Sections R315-261-30 through 35, such residuals are hazardous wastes and shall be managed in accordance with the applicable requirements of Rules R315-260 through 266, 268, and 270.

(F) The reclaimer and intermediate facility have financial assurance as required under Sections R315-261-140 through 151,

~~_____ (G) The reclaimer and intermediate facility have been granted an exclusion under Subsection R315-260-31(d) or have a hazardous waste Part B permit or interim status standards that address the management of the hazardous secondary materials; and]~~

(vii) ~~In addition, [A] all persons claiming the exclusion under Subsection R315-261-4(a)(24) provide notification as required under Section R315-260-42.~~

(25) ~~[Reserved] Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided that the hazardous secondary material generator complies with the applicable requirements of Subsection R315-261-4(a)(24)(i)-(v), excepting Subsection R315-261-4(a)(24)(v)(B)(2) for foreign reclaimers and foreign intermediate facilities, and that the hazardous secondary material generator also complies with the following requirements:~~

~~(i) Notify EPA of an intended export before the hazardous secondary material is scheduled to leave the United States. A complete notification shall be submitted at least sixty days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve month or lesser period. The notification shall be in writing, signed by the hazardous secondary material generator, and include the following information:~~

~~(A) Name, mailing address, telephone number and EPA ID number, if applicable, of the hazardous secondary material generator;~~

~~(B) A description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste and the U.S. DOT proper shipping name, hazard class and ID number, UN/NA, for each hazardous secondary material as identified in 49 CFR parts 171 through 177;~~

~~(C) The estimated frequency or rate at which the hazardous secondary material is to be exported and the period of time over which the hazardous secondary material is to be exported;~~

~~(D) The estimated total quantity of hazardous secondary material;~~

~~(E) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;~~

~~(F) A description of the means by which each shipment of the hazardous secondary material will be transported, for example mode of transportation vehicle including air, highway, rail and water, and types of containers including drums, boxes and tanks;~~

~~(G) A description of the manner in which the hazardous secondary material will be reclaimed in the country of import;~~

~~(H) The name and address of the reclaimer, any intermediate facility and any alternate reclaimer and intermediate facilities; and~~

~~(I) The name of any countries of transit through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there, for purposes of this section, the terms "EPA Acknowledgement of Consent", "country of import" and "country of transit" are used as defined in 40 CFR 262.81 with the exception that the terms in Section R315-261-4 refer to hazardous secondary materials, rather than hazardous waste;~~

~~(ii) Notifications shall be submitted electronically using EPA's Waste Import Export Tracking System, WIETS, or its successor system.~~

~~(iii) Except for changes to the telephone number in Subsection R315-261-4(a)(25)(i)(A) and decreases in the quantity of hazardous secondary material indicated pursuant to Subsection R315-261-4(a)(25)(i)(D), when the conditions specified on the original notification change, including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification, the hazardous secondary material generator shall provide EPA with a written renotification of the change. The shipment cannot take place until consent of the country of import to the changes, except for changes to Subsection R315-261-4(a)(25)(i)(I) and in the ports of entry to and departure from countries of transit pursuant to Subsection R315-261-4(a)(25)(i)(E), has been obtained and the hazardous secondary material generator receives from EPA an EPA Acknowledgment of Consent reflecting the country of import's consent to the changes.~~

~~(iv) Upon request by EPA, the hazardous secondary material generator shall furnish to EPA any additional information which a country of import requests in order to respond to a notification.~~

~~(v) EPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of Subsection R315-261-4(a)(25)(i). Where a claim of confidentiality is asserted with respect to any notification information required by Subsection R315-261-4(a)(25)(i), EPA may find the~~

notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

(vi) The export of hazardous secondary material under Subsection R315-261-4(a)(25) is prohibited unless the country of import consents to the intended export. When the country of import consents in writing to the receipt of the hazardous secondary material, EPA will send an EPA Acknowledgment of Consent to the hazardous secondary material generator. Where the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, EPA will notify the hazardous secondary material generator in writing. EPA will also notify the hazardous secondary material generator of any responses from countries of transit.

(vii) For exports to OECD Member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any country of import or countries of transit to a notification provided pursuant to Subsection R315-261-4(a)(25)(i) within thirty days after the date of issuance of the acknowledgement of receipt of notification by the competent authority of the country of import, the transboundary movement may commence. In such cases, EPA will send an EPA Acknowledgment of Consent to inform the hazardous secondary material generator that the country of import and any relevant countries of transit have not objected to the shipment, and are thus presumed to have consented tacitly. Tacit consent expires one calendar year after the close of the thirty day period; renotification and renewal of all consents is required for exports after that date.

(viii) A copy of the EPA Acknowledgment of Consent shall accompany the shipment. The shipment shall conform to the terms of the EPA Acknowledgment of Consent.

(ix) If a shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator shall re-notify EPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with Subsection R315-261-4(a)(25)(iii) and obtain another EPA Acknowledgment of Consent.

(x) Hazardous secondary material generators shall keep a copy of each notification of intent to export and each EPA Acknowledgment of Consent for a period of three years following receipt of the EPA Acknowledgment of Consent. They may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in their account on EPA's Waste Import Export Tracking System, WIETS, or its successor system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No hazardous secondary material generator may be held liable for the inability to produce a notification or Acknowledgement for inspection under Subsection R315-261-4(a)(25) if they can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with EPA's Waste Import Export Tracking System, WIETS, or its successor system for which the hazardous secondary material generator bears no responsibility.

(xi) Hazardous secondary material generators shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all hazardous secondary materials exported during the previous calendar year. Annual reports shall be submitted electronically using EPA's Waste Import Export Tracking System, WIETS, or its successor system. Such reports shall include the following information:

(A) Name, mailing and site address, and EPA ID number, if applicable, of the hazardous secondary material generator;

(B) The calendar year covered by the report;

(C) The name and site address of each reclaimer and intermediate facility;

(D) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste, the DOT hazard class, the name and U.S. EPA ID number, where applicable, for each transporter used, the total amount of hazardous secondary material shipped and the number of shipments pursuant to each notification;

(E) A certification signed by the hazardous secondary material generator which states: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

(xii) All persons claiming an exclusion under Subsection R315-261-4(a)(25) shall provide notification as required by Section R315-260-42.

(26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that

(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers shall be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container shall be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;

(iii) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes shall contain no free liquids as defined in Section R315-260-10.

(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes shall be managed according to the applicable regulations found in Rules R315-260 through 266, 268, 270 and 273;

(v) Generators shall maintain at their site the following documentation:

(A) Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

(B) Documentation that the 180-day accumulation time limit in Subsection R315-261-4(a)(26)(ii) is being met;

(C) Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the

point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning;

(vi) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.

(27) Hazardous secondary material that is generated and then transferred to another person for the purpose of remanufacturing is not a solid waste, provided that:

(i) The hazardous secondary material consists of one or more of the following spent solvents: Toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, NN-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, and/or methanol;

(ii) The hazardous secondary material originated from using one or more of the solvents listed in Subsection R315-261-4(a)(27)(i) in a commercial grade for reacting, extracting, purifying, or blending chemicals, or for rinsing out the process lines associated with these functions; in the pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and/or the paints and coatings manufacturing sectors, NAICS 325510.

(iii) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in Subsection R315-261-4(a)(27)(i) to a remanufacturer in the pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and/or the paints and coatings manufacturing sectors, NAICS 325510.

(iv) After remanufacturing one or more of the solvents listed in Subsection R315-261-4(a)(27)(i), the use of the remanufactured solvent shall be limited to reacting, extracting, purifying, or blending chemicals, or for rinsing out the process lines associated with these functions, in the pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and the paints and coatings manufacturing sectors, NAICS 325510; or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated under the Chemical Data Reporting Rule of the Toxic Substances Control Act, 40 CFR parts 704, 710-711, including Industrial Function Codes U015, solvents consumed in a reaction to produce other chemicals, and U030, solvents become part of the mixture;

(v) After remanufacturing one or more of the solvents listed in Subsection R315-261-4(a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Code U029 under the Chemical Data Reporting Rule of the Toxics Substances Control Act.); and

(vi) Both the hazardous secondary material generator and the remanufacturer shall:

(A) Notify the Director and update the notification every two years per Section R315-260-42;

(B) Develop and maintain an up-to-date remanufacturing plan which identifies:

(I) The name, address and EPA ID number of the generator(s) and the remanufacturer(s),

(II) The types and estimated annual volumes of spent solvents to be remanufactured,

(III) The processes and industry sectors that generate the spent solvents,

(IV) The specific uses and industry sectors for the remanufactured solvents, and

(V) A certification from the remanufacturer stating "on behalf of (insert remanufacturer facility name), I certify that this facility is a remanufacturer under pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and/or the paints and coatings manufacturing sectors, NAICS 325510; and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals, or for rinsing out the process lines associated with these functions, or for use as product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR part 60, part 61 or part 63, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Sections R315-261-1030 through 1035, 1050 through 1064 and 1080 through 1089";

(C) Maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;

(D) Prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Sections R315-261-17- through 179 and 190 through 200, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;

(E) During remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR part 60, part 61 or part 63; or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Sections R315-261-1030 through 1035, 1050 through 1064 and 1080 through 1089; and

(F) Meet the requirements prohibiting speculative accumulation per Subsection R315-261-1(c)(8).

(b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:

(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered, e.g., refuse-derived fuel, or reused. "Household waste" means any material, including garbage, trash and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if such facility:

(i) Receives and burns only

(A) Household waste, from single and multiple dwellings, hotels, motels, and other residential sources, and

(B) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

(ii) Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

(i) The growing and harvesting of agricultural crops.

(ii) The raising of animals, including animal manures.

(3) Mining overburden returned to the mine site.

(4)(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided by Section R315-266-112 for facilities that burn or process hazardous waste.

(ii) The following wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in Subsection R315-261-4(b)(4)(i), except as provided by Section R315-266-112 for facilities that burn or process hazardous waste:

(A) Coal pile run-off. For purposes of Subsection R315-261-4(b)(4), coal pile run-off means any precipitation that drains off coal piles.

(B) Boiler cleaning solutions. For purposes of Subsection R315-261-4(b)(4), boiler cleaning solutions means water solutions and chemical solutions used to clean the fire-side and water-side of the boiler.

(C) Boiler blowdown. For purposes of Subsection R315-261-4(b)(4), boiler blowdown means water purged from boilers used to generate steam.

(D) Process water treatment and demineralizer regeneration wastes. For purposes of Subsection R315-261-4(b)(4), process water treatment and demineralizer regeneration wastes means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.

(E) Cooling tower blowdown. For purposes of Subsection R315-261-4(b)(4), cooling tower blowdown means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.

(F) Air heater and precipitator washes. For purposes of Subsection R315-261-4(b)(4), air heater and precipitator washes means wastes from cleaning air preheaters and electrostatic precipitators.

(G) Effluents from floor and yard drains and sumps. For purposes of Subsection R315-261-4(b)(4), effluents from floor and yard drains and sumps means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and wastewaters, such as rain runoff, collected by yard drains and sumps located outside the power plant building.

(H) Wastewater treatment sludges. For purposes of Subsection R315-261-4(b)(4), wastewater treatment sludges refers to sludges generated from the treatment of wastewaters specified in Subsections R315-261-4(b)(4)(ii)(A) through (F).

(5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

(6)(i) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in Sections R315-261-30 through R316-261-35 due to the presence of chromium, which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

(A) The chromium in the waste is exclusively, or nearly exclusively, trivalent chromium; and

(B) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(C) The waste is typically and frequently managed in non-oxidizing environments.

(ii) Specific wastes which meet the standard in Subsections R315-261-4(b)(6)(i)(A), (B), and (C), so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic, are:

(A) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

(B) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

(C) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

(E) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.

(F) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

(G) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

(H) Wastewater treatment sludges from the production of TiO₂ pigment using chromium-bearing ores by the chloride process.

(7) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including coal, phosphate rock, and overburden from the mining of uranium ore, except as provided by Section R315-266-112 for facilities that burn or process hazardous waste.

(i) For purposes of Subsection R315-261-4(b)(7) beneficiation of ores and minerals is restricted to the following activities; crushing; grinding; washing; dissolution; crystallization;

filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching.

(ii) For the purposes of Subsection R315-261-4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

- (A) Slag from primary copper processing;
 - (B) Slag from primary lead processing;
 - (C) Red and brown muds from bauxite refining;
 - (D) Phosphogypsum from phosphoric acid production;
 - (E) Slag from elemental phosphorus production;
 - (F) Gasifier ash from coal gasification;
 - (G) Process wastewater from coal gasification;
 - (H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
 - (I) Slag tailings from primary copper processing;
 - (J) Fluorogypsum from hydrofluoric acid production;
 - (K) Process wastewater from hydrofluoric acid production;
 - (L) Air pollution control dust/sludge from iron blast furnaces;
 - (M) Iron blast furnace slag;
 - (N) Treated residue from roasting/leaching of chrome ore;
 - (O) Process wastewater from primary magnesium processing by the anhydrous process;
 - (P) Process wastewater from phosphoric acid production;
 - (Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
 - (R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - (S) Chloride process waste solids from titanium tetrachloride production;
 - (T) Slag from primary zinc processing.
- (iii) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under Subsection R315-261-4(b) if the owner or operator:
- (A) Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and,
 - (B) Legitimately reclaims the secondary mineral processing materials.
- (8) Cement kiln dust waste, except as provided by Section R315-266-112 for facilities that burn or process hazardous waste.
- (9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- (10) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of Section R315-261-24, Hazardous Waste Codes D018 through D043 only, and are subject to the

corrective action regulations under Section R315-311-202-1 which adopts 40 CFR 280 by reference.

(11) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic, Hazardous Waste Codes D018 through D043 only, in Section R315-261-24 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until October 2, 1991. New operations involving injection wells, beginning after March 25, 1991, will qualify for this compliance date extension, until January 25, 1993, only if:

(i) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and

(ii) A copy of the written agreement has been submitted to: Waste Identification Branch (5304), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460 and the Division of Waste Management and Radiation Control, PO Box 144880, Salt Lake City, UT 84114-4880.

(12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

(13) Non-terne plated used oil filters that are not mixed with wastes listed in Sections R315-261-30 through R315-261-35 if these oil filters have been gravity hot-drained using one of the following methods:

- (i) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- (ii) Hot-draining and crushing;
- (iii) Dismantling and hot-draining; or
- (iv) Any other equivalent hot-draining method that will remove used oil.

(14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, K178 and K181 if these wastes had been generated after the effective date of the listing;

(ii) The solid wastes described in Subsection R315-261-4(b) (15)(i) were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) As of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation, e.g., shutdown of wastewater treatment system, provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of Subsection R315-261-4(b)(15)(v) after the emergency ends.

(16) Reserved

(17) Reserved

(18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that

(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers shall be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container shall be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;

(iii) At the point of being transported for disposal, the solvent-contaminated wipes shall contain no free liquids as defined in Section R315-260-10.

(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes shall be managed according to the applicable regulations found in Rules R315-260 through 266, 268, 270 and 273;

(v) Generators shall maintain at their site the following documentation:

(A) Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

(B) Documentation that the 180 day accumulation time limit in Subsection R315-261-4(b)(18)(ii) is being met;

(C) Description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal;

(vi) The solvent-contaminated wipes are sent for disposal

(A) To a solid waste landfill that:

(1) is regulated under R315-301 through R315-320

(2) is a Class I or V Landfill; and

(3) has a composite liner; or

(B) To a hazardous waste landfill regulated under Rules R315-260 through 266, 268, and 270; or

(C) To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under Rule R315-264, Rule R315-265, or Sections R315-266-100 through R315-266-112.

(c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under Rules R315-262 through 265, 268, 270, and 124 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

(d)(1) Samples. Except as provided in Subsection R315-261-4(d)(2), a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of Rules R315-261 through 266, 268 or 270 or 124 or to the notification requirements of Section 3010 of RCRA, when:

(i) The sample is being transported to a laboratory for the purpose of testing; or

(ii) The sample is being transported back to the sample collector after testing; or

(iii) The sample is being stored by the sample collector before transport to a laboratory for testing; or

(iv) The sample is being stored in a laboratory before testing; or

(v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or

(vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(2) In order to qualify for the exemption in Subsections R315-261-4(d)(1) (i) and (ii), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

(i) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

(ii) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

(A) Assure that the following information accompanies the sample:

(I) The sample collector's name, mailing address, and telephone number;

(II) The laboratory's name, mailing address, and telephone number;

(III) The quantity of the sample;

(IV) The date of shipment; and

(V) A description of the sample.

(B) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in Subsection R315-261-4(d)(1).

(e)(1) **Treatability Study Samples.** Except as provided in Subsection R315-261-4(e)(2), persons who generate or collect samples for the purpose of conducting treatability studies as defined in Section R315-260-10, are not subject to any requirement of Rules R315-261 through 263 or to the notification requirements of Section 3010 of RCRA, nor are such samples included in the quantity determinations of Section R315-261-5 and Subsection R315-262-34(d) when:

(i) The sample is being collected and prepared for transportation by the generator or sample collector; or

(ii) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(iii) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

(2) The exemption in Subsection R315-261-4(e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(i) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream; and

(ii) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste; and

(iii) The sample shall be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of Subsections R315-261-4(e)(2)(iii)(A) or (B) are met.

(A) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

(B) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information shall accompany the sample:

(I) The name, mailing address, and telephone number of the originator of the sample;

(II) The name, address, and telephone number of the facility that will perform the treatability study;

(III) The quantity of the sample;

(IV) The date of shipment; and

(V) A description of the sample, including its EPA Hazardous Waste Number.

(iv) The sample is shipped to a laboratory or testing facility which is exempt under Subsection R315-261-4(f) or has an appropriate RCRA permit or interim status.

(v) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(A) Copies of the shipping documents;

(B) A copy of the contract with the facility conducting the treatability study;

(C) Documentation showing:

(I) The amount of waste shipped under this exemption;

(II) The name, address, and EPA identification number of the laboratory or testing facility that received the waste;

(III) The date the shipment was made; and

(IV) Whether or not unused samples and residues were returned to the generator.

(vi) The generator reports the information required under Subsection R315-261-4(e)(2)(v)(C) in its biennial report.

(3) The Director may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Director may grant requests on a case-by-case basis for quantity limits in excess of those specified in Subsections R315-261-4(e)(2)(i) and (ii) and Subsection R315-261-4(f)(4), for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste and 1 kg of acute hazardous waste:

(i) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology; the type of process, e.g., batch versus continuous; size of the unit undergoing testing, particularly in relation to scale-up considerations; the time/quantity of material required to reach steady state operating conditions; or test design considerations such as mass balance calculations.

(ii) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when: There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(iii) The additional quantities and timeframes allowed in Subsections R315-261-4(e)(3)(i) and (ii) are subject to all the provisions in Subsections R315-261-4(e)(1) and (e)(2)(iii) through (vi). The generator or sample collector shall apply to the Director and provide in writing the following information:

(A) The reason why the generator or sample collector requires additional time or quantity of sample for treatability study evaluation and the additional time or quantity needed;

(B) Documentation accounting for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;

(C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(D) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(E) Such other information that the Director considers necessary.

(f) **Samples Undergoing Treatability Studies at Laboratories and Testing Facilities.** Samples undergoing treatability studies and the

laboratory or testing facility conducting such treatability studies, to the extent such facilities are not otherwise subject to RCRA requirements, are not subject to any requirement of Rules R315-261 through 266, 268 and 270, or to the notification requirements of Section 3010 of RCRA provided that the conditions of Subsection R315-261-4(f)(1) through (11) are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to Subsections R315-261-4(f)(1) through (11). Where a group of MTUs are located at the same site, the limitations specified in Subsections R315-261-4(f)(1) through (11) apply to the entire group of MTUs collectively as if the group were one MTU.

(1) No less than 45 days before conducting treatability studies, the facility notifies the Director, in writing that it intends to conduct treatability studies under Subsection R315-261-4(f).

(2) The laboratory or testing facility conducting the treatability study has an EPA identification number.

(3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials, including nonhazardous solid waste, added to "as received" hazardous waste.

(5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year, two years for treatability studies involving bioremediation, have elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

(7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information shall be included for each treatability study conducted:

(i) The name, address, and EPA identification number of the generator or sample collector of each waste sample;

(ii) The date the shipment was received;

(iii) The quantity of waste accepted;

(iv) The quantity of "as received" waste in storage each day;

(v) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(vi) The date the treatability study was concluded;

(vii) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the EPA identification number.

(8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(9) The facility prepares and submits a report to the Director, by March 15 of each year, that includes the following information for the previous calendar year:

(i) The name, address, and EPA identification number of the facility conducting the treatability studies;

(ii) The types (by process) of treatability studies conducted;

(iii) The names and addresses of persons for whom studies have been conducted, including their EPA identification numbers;

(iv) The total quantity of waste in storage each day;

(v) The quantity and types of waste subjected to treatability studies;

(vi) When each treatability study was conducted;

(vii) The final disposition of residues and unused sample from each treatability study.

(10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section R315-261-3 and, if so, are subject to Rules R315-261 through 268 and 270, unless the residues and unused samples are returned to the sample originator under the Subsection R315-261-4(e) exemption.

(11) The facility notifies the Director, by letter when the facility is no longer planning to conduct any treatability studies at the site.

(g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413) is not a hazardous waste. For Subsection R315-261-4(g), the following definitions apply:

(1) The term dredged material has the same meaning as defined in 40 CFR 232.2;

(2) The term permit means:

(i) A permit issued by the U.S. Army Corps of Engineers (Corps) or an approved State under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) A permit issued by the Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of Corps civil works projects, the administrative equivalent of the permits referred to in Subsections R315-261-4(g)(2)(i) and (ii), as provided for in Corps regulations.

(h) Carbon dioxide stream injected for geologic sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI Underground Injection Control wells, including the requirements in Rule R317-7, are not a hazardous waste, provided the following conditions are met:

(1) Transportation of the carbon dioxide stream shall be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws, 49 U.S.C. 60101 et seq. and regulations, 49 CFR Parts 190-199, of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 U.S.C. 60105, as applicable.

(2) Injection of the carbon dioxide stream shall be in compliance with the applicable requirements for Class VI Underground Injection Control wells, including the applicable requirements in Rule R317-7;

(3) No hazardous wastes shall be mixed with, or otherwise co-injected with, the carbon dioxide stream; and

(4)(i) Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under Subsection R315-261-4(h), shall have an authorized representative, as defined in Section R315-260-10, sign a certification statement worded as follows: I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under Subsection R315-261.4(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with, or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with, Department of Transportation requirements, including the pipeline safety laws, 49 U.S.C. 60101 et seq., and regulations, 49 CFR Parts 190-199, of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 U.S.C. 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of Rule R317-7.

(ii) Any Class VI Underground Injection Control well owner or operator, who claims that a carbon dioxide stream is excluded under Subsection R315-261-4(h), shall have an authorized representative, as defined in Section R315-260-10, sign a certification statement worded as follows: I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under Subsection R315-261-4(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the Underground Injection Control (UIC) Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in Rule R317-7.

(iii) The signed certification statement shall be kept on-site for no less than three years, and shall be made available within 72 hours of a written request from the Director. The signed certification statement shall be renewed every year that the exclusion is claimed, by having an authorized representative, as defined in Section R315-260-10, annually prepare and sign a new copy of the certification statement within one year of the date of the previous statement. The signed certification statement shall also be readily accessible on the facility's publicly-available Web site, if such Web site exists, as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.

R315-261-400. Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials - Applicability.

The requirements of Sections R315-261-400, 410, 411, and 420 apply to those areas of an entity managing hazardous secondary materials excluded under Subsection R315-261-4(a)(23) and/or (24) where hazardous secondary materials are generated or accumulated on site.

(a) A generator of hazardous secondary material, or an intermediate or reclamation facility [~~operating under a verified recycler exclusion under Subsection R315-260-31(d)~~], that accumulates 6000

kg or less of hazardous secondary material at any time shall comply with Sections R315-261-410 and 411.

(b) A generator of hazardous secondary material, or an intermediate or reclamation facility [~~operating under a verified recycler exclusion under Subsection R315-260-31(d)~~] that accumulates more than 6000 kg of hazardous secondary material at any time shall comply with Sections R315-261-410 and 420.

R315-261-410. Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials - Preparedness and Prevention.

(a) Maintenance and operation of facility. Facilities generating or accumulating hazardous secondary material shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous secondary materials or hazardous secondary material constituents to air, soil, or surface water which could threaten human health or the environment.

(b) Required equipment. All facilities generating or accumulating hazardous secondary material shall be equipped with the following, unless none of the hazards posed by hazardous secondary material handled at the facility could require a particular kind of equipment specified below:

(1) An internal communications or alarm system capable of providing immediate emergency instruction, voice or signal, to facility personnel;

(2) A device, such as a telephone, immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(3) Portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, spill control equipment, and decontamination equipment; and

(4) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(c) Testing and maintenance of equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

(d) Access to communications or alarm system.

(1) Whenever hazardous secondary material is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Subsection R315-261-410(b).

(2) If there is ever just one employee on the premises while the facility is operating, he shall have immediate access to a device, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Subsection R315-261-410(b).

(e) Required aisle space. The hazardous secondary material generator or intermediate or reclamation facility [~~operating under a verified recycler exclusion under Subsection R315-260-31(d)~~] shall

maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(f) Arrangements with local authorities.

(1) The hazardous secondary material generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous secondary material handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(ii) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(iii) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(iv) Arrangements to familiarize local hospitals with the properties of hazardous secondary material handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(2) Where state or local authorities decline to enter into such arrangements, the hazardous secondary material generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ shall document the refusal in the operating record.

R315-261-411. Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials - Emergency Procedures for Facilities Generating or Accumulating 6000 Kg or Less of Hazardous Secondary Material.

A generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ that generates or accumulates 6000 kg or less of hazardous secondary material shall comply with the following requirements:

(a) At all times there shall be at least one employee either on the premises or on call, i.e., available to respond to an emergency by reaching the facility within a short period of time, with the responsibility for coordinating all emergency response measures specified in Subsection R315-261-411(d). This employee is the emergency coordinator.

(b) The generator or intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ shall post the following information next to the telephone:

(1) The name and telephone number of the emergency coordinator;

(2) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(3) The telephone number of the fire department, unless the facility has a direct alarm.

(c) The generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ shall ensure that all employees are thoroughly familiar with

proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(d) The emergency coordinator or his designee shall respond to any emergencies that arise. The applicable responses are as follows:

(1) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(2) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

(3) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ has knowledge that a spill has reached surface water, the generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ shall immediately notify the National Response Center, using their 24-hour toll free number 800/424-8802 and follow the requirements Section R316-263-33. The report shall include the following information:

(i) The name, address, and U.S. EPA Identification Number of the facility;

(ii) Date, time, and type of incident, e.g., spill or fire;

(iii) Quantity and type of hazardous waste involved in the incident;

(iv) Extent of injuries, if any; and

(v) Estimated quantity and disposition of recovered materials, if any.

R315-261-420. Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials - Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6000 Kg of Hazardous Secondary Material.

A generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ that generates or accumulates more than 6000 kg of hazardous secondary material shall comply with the following requirements:

(a) Purpose and implementation of contingency plan.

(1) Each generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ that accumulates more than 6000 kg of hazardous secondary material shall have a contingency plan for his facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water.

(2) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous secondary material or hazardous secondary material constituents which could threaten human health or the environment.

(b) Content of contingency plan.

(1) The contingency plan shall describe the actions facility personnel shall take to comply with Subsection R315-261-420(a) and (f) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water at the facility.

(2) If the generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ accumulating more than 6000 kg of hazardous secondary material has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of Rule R315-261. The hazardous secondary material generator or an intermediate or reclamation facility ~~[operating under a verified recycler exclusion under Subsection R315-260-31(d)]~~ may develop one contingency plan which meets all regulatory requirements. The Director recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). When modifications are made to non-hazardous waste provisions in an integrated contingency plan, the changes do not trigger the need for a hazardous waste permit modification.

(3) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to Subsection R315-262-410(f).

(4) The plan shall list names, addresses, and phone numbers, office and home, of all persons qualified to act as emergency coordinator, see Subsection R315-261-420(e), and this list shall be kept up-to-date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they shall assume responsibility as alternates.

(5) The plan shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems, internal and external, and decontamination equipment, where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(6) The plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes, in cases where the primary routes could be blocked by releases of hazardous waste or fires.

(c) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan shall be:

(1) Maintained at the facility; and

(2) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

(d) Amendment of contingency plan. The contingency plan shall be reviewed, and immediately amended, if necessary, whenever:

(1) Applicable regulations are revised;

(2) The plan fails in an emergency;

(3) The facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous secondary material or hazardous secondary material constituents, or changes the response necessary in an emergency;

(4) The list of emergency coordinators changes; or

(5) The list of emergency equipment changes.

(e) Emergency coordinator. At all times, there shall be at least one employee either on the facility premises or on call, i.e.,

available to respond to an emergency by reaching the facility within a short period of time, with the responsibility for coordinating all emergency response measures. This emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous secondary material handled, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in Subsection R315-261-420(f). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of hazardous secondary material(s) handled by the facility, and type and complexity of the facility.

(f) Emergency procedures.

(1) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or his designee when the emergency coordinator is on call, shall immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate State or local agencies with designated response roles if their help is needed.

(2) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(3) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion, e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.

(4) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he shall report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) The emergency coordinator shall immediately notify the Utah Department of Environmental Quality 24 hour answering service at 801/536-4123, and the National Response Center, using their 24-hour toll free number 800/424-8802. The report shall include:

(A) Name and telephone number of reporter;

(B) Name and address of facility;

(C) Time and type of incident, e.g., release, fire;

(D) Name and quantity of material(s) involved, to the extent known;

(E) The extent of injuries, if any; and

(F) The possible hazards to human health, or the environment, outside the facility.

(5) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous

secondary material at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released material, and removing or isolating containers.

(6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(7) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered secondary material, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the hazardous secondary material generator can demonstrate, in accordance with Subsections R315-261-3(c) or (d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of Rules R315-262, 263, and 265.

(8) The emergency coordinator shall ensure that, in the affected area(s) of the facility:

(i) No secondary material that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(9) The hazardous secondary material generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he shall submit a written report on the incident to the Director. The report shall include:

(i) Name, address, and telephone number of the hazardous secondary material generator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident, e.g., fire, explosion;

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(vii) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Personnel training. All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment: [~~August 31, 2017~~]**2018**

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

**Health, Disease Control and
Prevention, Environmental Services
R392-301
Recreational Vehicle Park Sanitation**

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 43076

FILED: 07/12/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These amendments to Rule R392-301 simplify the rule, remove outdated language and redundancies, and provide technical and conforming changes in accordance with the Rulewriting Manual for Utah.

SUMMARY OF THE RULE OR CHANGE: These amendments to Rule R392-301 provide technical and conforming changes throughout the rule, and remove unnecessary and repetitive language. Section R392-301-1 is a new section added to specify the statute under which this rule is authorized, and to explain the purpose of the rule. Section R392-301-2 is a new section added to describe individuals and groups to whom this rule applies, and to specify exclusions to such. In Section R392-301-3, added definitions for "Imminent health hazard", "Local health officer", "Operator", "Plumbing Code", and "Tiny house". Also the definitions for "recreational vehicle", "Dependent recreational vehicle", "Independent recreational vehicle", "Service building", and "Wastewater", were amended and the definition for "Self-Contained Recreational Vehicle" was removed. In Section R392-301-4, the Department of Health (Department) has made revisions including the rewording and restructuring of this section to simplify the language, and to clarify the intent to align more closely with the authorizing statute and the Rulewriting Manual for Utah. A provision was added specifying a construction change is not required in any portion of a camp that was in compliance before this rule goes into effect. Other changes include specifying under what conditions a RV or tiny house may be allowed into a park and other duties of a park operator. In Sections R392-301-5 and R392-301-6, the Department has made revisions including the rewording and restructuring of these sections to simplify the language, and to clarify the intent to align more closely with the authorizing statute and the Rulewriting Manual for Utah. Language was removed that was redundant due to requirements already set forth by the Department of Environment Quality and the Division of Drinking Water. Changes include requiring potable water be supplied to each site; the water system shall be protected. The requirements for the disposal of wastewater have been clarified. Section R392-301-7 is a new section and sets requirements and specifications for the construction and use of a Service Building (previously covered in Section R392-301-5). The operator's duty to supply provisions for hand washing and solid waste disposal is specified. In Section R392-301-8, standards are set for basic sanitation of park facilities including adequate lighting, pest control, and keeping the grounds and facilities clean and operable (previously Section R392-301-6). In Section R392-301-9, the Department has made revisions including the rewording and

restructuring of this section to simplify the language and to clarify the intent to align more closely with the authorizing statute and the Rulewriting Manual for Utah (previously Section R392-301-7). In Section R392-301-10, the Department has made revisions including the rewording and restructuring of this section to simplify the language and to clarify the intent to align more closely with the authorizing statute and the Rulewriting Manual for Utah; and clarified the frequency for the disposal of solid waste (previously Section R392-301-8). Section R392-301-11 is a new section that addresses swimming pools. Section R392-301-12 is a new section that addresses access to park facilities for inspections and investigations. Section R392-301-13 is a new section that addresses possible enforcement actions and when those may be appropriate.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-15-2 and Section 26-7-1 and Subsection 26-1-30(23) and Subsection 26-1-30(9)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Repealing and reenacting Rule R392-301 will not result in a cost or benefit to the state budget because these proposed rule changes do not require a change to state operations or programs, and the proposed reenacted rule does not include requirements for the payment of fines or fees.

◆ **LOCAL GOVERNMENTS:** Repealing and reenacting Rule R392-301 will not result in a direct cost or benefit to local governments because no construction, equipment, or operational changes are required by this rule. The proposed reenacted rule does not include requirements for permits or inspection fees. Inspection frequency is not specified in this rule.

◆ **SMALL BUSINESSES:** Repealing and reenacting Rule R392-301 will likely not result in a cost or benefit to small businesses. There are 51 small businesses operating in the state under the NAICS code of 721211. The proposed reenacted rule does not require a construction change to any portion of a RV park that was in compliance with the law in effect at the time the RV park was constructed. In addition, the proposed reenacted rule does not include fees such as reservation fees, inspection fees, or permit fees. Repealing and reenacting Rule R392-301 may result in an inestimable fiscal cost if a business constructs a recreational vehicle park after the adoption of this rule. The full impact to a business cannot be estimated as the necessary data is unavailable because potential RV park location, layout, number of sites, water and wastewater accessibility, and operation and maintenance needs have not yet been considered by the business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Repealing and reenacting Rule R392-301 will likely not result in a cost or benefit to persons other than small businesses, businesses, or local government entities because the proposed reenacted rule does not require a construction

change to any portion of a RV park that was in compliance with the law in effect at the time the RV park was constructed. In addition, the proposed reenacted rule does not include fees such as reservation fees, inspection fees, or permit fees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are 13 local health departments and 51 small businesses operating in Utah. Affected persons may include owners and operators of small and non-small RV park businesses that are newly constructed after this rule is repealed and reenacted.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In response to the prior comments, the additional changes to the original proposal address the definition of a "Tiny House", differentiating these from park model RVs; clarify the conditions when a park/site/space may be closed and adds the definition of "Imminent Health Hazard". The additional changes now require contact information be given to the local health officer in case of emergency instead of someone being on-call; removes requirements for controlling fugitive dust; only requires drain systems at common-use faucets; and only requires curbed concrete apron and hinged covers for sanitary dump stations, not at individual sewer connections. There are 2 non-small businesses and 51 small businesses that are subject to this rule. Per the Division of Disease Control and Prevention, Environmental Services, these proposed changes do not require construction changes to any portion of an RV park that was in compliance at the time of construction. In addition, the proposed reenacted rule does not include fees such as reservation fees, inspection fees, or permit fees. Repealing and reenacting Rule R392-301 may result in an inestimable fiscal cost if a business constructs a recreational vehicle park after the adoption of this rule. The full impact to a business cannot be estimated as the necessary data is unavailable because potential RV park location, layout, number of sites, water and wastewater accessibility, and operation and maintenance needs have not yet been considered by the business.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at chrison@utah.gov or mail at PO BOX 142104, Salt Lake City, UT 84114-2104

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

and wastewater accessibility, and operation and maintenance needs have not yet been considered by the business.

The head of Department of Health, Dr. Joseph Miner, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are two non-small businesses in the industry in question (NAICS 721211) in Utah. These businesses will likely not experience a fiscal impact because the proposed reenacted rule does not require a construction change to any portion of a RV park that was in compliance with the law in effect at the time the camp was constructed. Repealing and reenacting Rule R392-301 may result in an inestimable fiscal cost to a non-small business that constructs a recreational vehicle camp after the adoption of this rule. The full impact to such a business cannot be estimated as the necessary data are unavailable because potential RV park location, layout, number of sites, water

R392. Health, Disease Control and Prevention, Environmental Services.

R392-301. Recreational Vehicle Park Sanitation.

[R392-301-1. Definitions:

~~Recreational Vehicle~~ — means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel, recreational and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including: travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.

~~Dependent Recreational Vehicle~~ — means a recreational vehicle that is dependent upon a service building for toilet facilities, hand washing facilities, shower or bathing facilities and is not designed for the connection to water or sewer utilities.

~~Director~~ — means the Executive Director of the Utah Department of Health.

~~Independent Recreational Vehicle~~ — means a recreational vehicle equipped with a toilet, bath or shower which, to be functional, requires connection to outside water and sewer utilities.

~~Recreational Vehicle Park~~ — means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two or more recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the general public or restricted to the organizational or institutional members and their guests only.

~~Sanitary Dump Station~~ — means a properly designed and constructed facility intended to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle, and having a means of discharging the contents, in an acceptable manner, to an approved wastewater disposal system.

~~Self-Contained Recreational Vehicle~~ — means a recreational vehicle which can function independent of connections to outside sewer and water utilities. It must contain at least a water-flush toilet and a sink which are connected to water storage and wastewater holding tanks within the recreational vehicle. Any additional plumbing fixtures included in the vehicle shall also be connected to the wastewater holding tank.

~~Service Building~~ — means a building or room housing toilet, lavatory and bathing facilities, and such other facilities as may be required for the use of recreational vehicle park occupants.

~~Wastewater~~ — means discharges from all plumbing facilities, such as rest rooms, kitchen and laundry fixtures, either separately or in combination.

R392-301-2. General:

~~2.1 It shall be the duty of each person operating a recreational vehicle park in the state of Utah to carry out the provisions of this rule. Each person operating a recreational vehicle park shall also have the duty of controlling the conduct of park occupants to this end, and shall make at least one daily inspection of the entire park for these purposes. Central toilet and washroom facilities shall be inspected as necessary by the park operator.~~

~~2.2 Severability - If any provision of this rule or its application to any person or circumstance is declared invalid, the~~

application of such provision to other persons or circumstances, and the remainder of this rule, shall not be affected thereby.

3.3 Park sites shall be designed and constructed to provide adequate surface drainage, and shall be isolated from any existing or potential health hazard or nuisance.

3.4 All applicable local and state building, zoning, electrical, health, fire codes and all local ordinances shall be complied with.

R392-301-3. Water Supplies.

3.1 Potable water supply systems for use by recreational vehicle park occupants shall meet the requirements of the state of Utah rules relating to public drinking water supplies.

3.2 In addition to the requirements of the rules relating to public drinking water supplies, the design of water system facilities shall be based on the suppliers engineer's estimate of water demands, but shall in no case be less than the following:

3.2.1 For independent and self-contained recreational vehicles:

3.2.1.1 Source Capacity - 100 gallons per day per vehicle space.

3.2.1.2 Storage Volume - 50 gallons per vehicle space.

3.2.1.3 Distribution system capacity shall maintain a water system pressure in excess of 20 psi at all points in the distribution system during peak hourly flow conditions. Non-community systems in remote areas can be exempted from this requirement, on a case-by-case basis, if flow from the system is always unregulated and free-flowing. The peak hourly flow shall be based on Figure 3.1.

Other exceptions to the above requirements may be made as permitted by the state of Utah public drinking water rules.

3.2.1.4 Any space set aside for the exclusive use of self-contained recreational vehicles shall have access to a water supply acceptable to the Director, or director of the local health department.

3.2.2 For the service building serving dependent recreational vehicles:

3.2.2.1 Source Capacity - 100 gallons per day per vehicle space.

3.2.2.2 Storage Volume - 50 gallons per vehicle space.

3.2.2.3 Distribution system capacity shall maintain a water system pressure in excess of 20 psi at all points in the distribution system during peak hourly flow conditions. Non-community systems in remote areas can be exempted from this requirement, on a case-by-case basis, if flow from the system is always unregulated and free-flowing. The peak hourly flow shall be calculated for the number of fixture units as presented in the Utah Plumbing Code.

Other exceptions to the above requirements may be made as permitted in the state of Utah public drinking water rules.

3.3 The source and storage requirements as indicated above do not include water demands for outside use or fire protection. However, if the culinary system is intended to provide water for such uses, the water requirements indicated above must be appropriately increased. Specific information on watering requirements (e.g., area of land to be irrigated) must be provided for Department of Health review.

3.4 Construction of a public drinking water supply system intended to serve occupants of any recreational vehicle park shall not commence until plans prepared by a licensed professional registered engineer, in accordance with Title 58, Chapter 22, Professional Engineers, and Land Surveyors Licensing Act, have been submitted to and approved in writing by the Utah Department of Environmental

Quality. Following construction, the system may not be placed in service until a final inspection is made by a representative of the Utah Department of Environmental Quality or the local health department having jurisdiction.

3.4.1 All systems must be monitored in accordance with the state of Utah public drinking water rules and in cooperation with the local health department having jurisdiction.

3.5 Any culinary system or portion thereof that becomes drained seasonally must be cleaned, flushed and disinfected prior to use. Furthermore, a water sample of satisfactory bacteriologic quality, i.e. a sample showing no more than one coliform bacteria per 100 ml. sample, must be obtained before being placed into service.

3.5.1 Systems operated on a seasonal basis may be required to sample for bacteriologic analysis at an accelerated frequency as determined by the Director or director of the local health department having jurisdiction.

3.6 In any recreational vehicle park the following requirements shall apply:

3.6.1 Water service shall be made available to each designated recreational vehicle space in accordance with the requirements of the Utah Department of Health. This provision may be modified when spaces are provided to accommodate dependent or self-contained units only, in which case a conveniently located on-threaded hydrant or other acceptable water supply fixture shall be provided and shall be protected against the hazards of backflow and hose contamination.

3.6.2 Water connections serving independent recreational vehicles shall be at least 4 inches above the surrounding surface elevation and shall be separated at least 5 feet horizontally from the sewer riser for such vehicles. Lines serving water and sewer connections shall be separated at least 10 feet horizontally except as provided below:

3.6.2.1 The bottom of the water service pipe, at all points, shall be at least 18 inches above the top of the wastewater drainage line at its highest point, and in no instance less than 24 inches horizontal separation.

3.6.2.2 The water service pipe shall be placed on an undisturbed shelf excavated at one side of the common trench.

3.6.2.3 The number of joints in the water and sewer pipe shall be kept to a minimum. The materials and joints of both water and sewer pipe shall be of a strength and durability and installed in accordance with the provisions of the Utah Plumbing Code.

3.7 In any recreational vehicle park or portion thereof where it is not feasible to pipe water into the area, an alternate supply may be permitted upon approval of the Director or local health authorities having jurisdiction.

R392-301-4. Wastewater.

4.1 All wastewater shall be discharged to a public sewer system where accessible within 30 feet of the recreational vehicle park property line.

4.2 Where connection to a public sewer is not available, wastewater shall be discharged into a wastewater disposal system meeting requirements of the state rules for waste disposal. Unless water usage rates are available, design shall be based on not less than 125 gallons per day per recreational vehicle space.

4.3 All plans for the construction or alteration of a wastewater disposal system shall initially be submitted to the local health department having jurisdiction. Where plan approval is

required by law to be provided by the Department of Environmental Quality, such plans shall be forwarded by the local authority along with any appropriate comments. Construction or alteration of the disposal system shall not commence until the plans have been approved in writing by the appropriate health agency.

4.3.1 Sewer service shall be made available to each designated space designed and intended to accommodate independent recreational vehicles, in accordance with the requirements of the rules for waste disposal.

4.3.2 Sewer risers serving independent recreational vehicles shall be provided with tight covers when not in use.

4.3.3 A trap is prohibited between the sewer riser and sewer lateral.

4.3.4 The connection and connecting line between the recreational vehicle drain outlet and the sewer riser shall be watertight and self-draining.

4.3.5 The rim of the sewer riser shall extend not more than 4 inches above adjacent ground surface elevations. Surface drainage shall be directed away from the sewer riser. (See also Subsection 3-6.2)

4.3.6 Camping vehicles, not equipped with plumbing fixtures shall not be located in a camping vehicle park unless effective means are provided to collect and contain dish washing, bathing or other liquid waste material and to properly dispose of these wastes by means approved for the purpose to prevent discharge upon the ground.

4.4 A sanitary station of approved design shall be provided for the disposal of wastewater originating in any recreational vehicle when not covered under Subsection 4.3.1. The design shall be based on not less than 50 gallons per day per "self-contained" trailer space.

R392-301-5. Service Building.

5.1 In any recreational vehicle park which accepts patrons with dependent vehicles or tents, adequate service building facilities shall be provided and shall meet the following requirements:

5.1.1 They shall be located not less than 15 feet and not more than 500 feet from any living spaces served.

5.1.2 They shall be of permanent construction and be provided with adequate light, heat and ventilation.

5.1.3 They shall be properly maintained and operated with interiors of smooth, moisture resistant materials, to permit frequent washing and cleaning.

5.1.4 They shall be adequately equipped with lavatories with water under adequate pressure, and with flush type toilet fixtures to serve all recreational vehicle parking spaces not otherwise provided with such facilities.

R392-301-6. Plumbing.

6.1 The minimum plumbing fixtures which shall be available to all park occupants are as follows, except as indicated in Subsection 6.8:

6.2 Approved sanitary drinking fountains shall be provided for the use of occupants at a ratio of one per 300 occupants.

6.3 Whenever toilet facilities for male and females are located in the same building, and adjacent to each other, they shall be separated by a sound-resistant wall. Direct line of sight to each rest room shall be effectively obstructed.

6.4 Adequate, clean individual towels shall be supplied for each guest not furnishing his own. Other approved hand-drying facilities may be substituted for individual towels.

6.5 Soap and toilet tissue in suitable dispensers and waste receptacles with lids shall be provided in each rest room.

6.6 Essential laundering facilities should be available to park occupants. If included as part of the park facilities, there shall be provided for each 12 parking spaces, or fraction thereof, at least one laundry tray, washtub or washing machine, served by proper wastewater disposal facilities.

6.7 Plumbing fixtures which normally require water for their operation shall be supplied with an adequate potable water supply under pressure.

6.8 Where water cannot be made available, exceptions to the above requirement may be granted upon approval of the Director or local health authorities having jurisdiction.

6.9 All plumbing installed in any recreational vehicle park shall comply with provisions of the Utah Plumbing Code and local plumbing codes.

R392-301-7. Operation and Maintenance.

7.1 All buildings, rooms, and equipment and the grounds surrounding them shall be maintained in a clean and operable condition.

7.2 Where electric power is available, service buildings shall be provided with outside lighting to indicate the location and entrance doorways of each.

7.3 All necessary means shall be employed to eliminate or control any infestations of insects and rodents within all parts of any recreational vehicle park. This shall include proper screening or other approved control of outside openings in structures intended for occupancy or for food storage.

R392-301-8. Swimming Pools.

8.1 Each swimming pool, wading or therapy pool made available to occupants shall comply with R392-302 and applicable local regulations.

R392-301-9. Solid Wastes.

9.1 Solid wastes, originating in any recreational vehicle park, shall be stored in a sanitary manner in approved, watertight containers with lids, or the equivalent, approved by the local health department. The containers shall be conveniently located and the contents shall be disposed of in a manner approved by the state or local health department having jurisdiction.

R392-301-10. Food Service.

10.1 When food service is made available to park occupants, food service employees, food, ice, vending machines, food storage, preparation and serving facilities shall comply with the requirements of R392-100.

TABLE I

Plumbing Fixtures	Ratio of Plumbing Fixtures Per Number of Camp Occupants(1)	
	Males	Females
Water closets	1/50	1/25
Urinals	1/50	
Lavatories	1/50	1/50
Shower(2)	1/35	1/35

(1)Or fraction thereof. The number of park occupants shall be calculated on the basis of 3.5 persons for each recreational vehicle space.

~~_____ (2) Showers are optional, but if provided shall comply with the table. Water system requirements under Subsection 3-2 may be modified to compensate for the absence of showers upon approval of the Director.~~

TABLE II
Required Plumbing Fixtures
Labor Camp Occupants for Service Buildings

Plumbing Fixtures	Ratio of Plumbing Fixtures For Labor Camp Occupants(1)	
	Males	Females
Water Closets	1/10	1/8
Urinals	1/25	
Lavatories	1/12	1/12
Shower/Bath	1/8	1/8

~~_____ (1) In camps which provide other than water flush-type toilets, urinals, lavatories and showers may be deleted.~~

R392-301-1. Authority and Purpose.

(1) This rule is authorized under Sections 26-1-5, 26-1-30(9), 26-1-30(23), 26-7-1, and 26-15-2.

(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of a recreational vehicle park, as defined by this rule, and provides for the prevention and control of health hazards associated with a recreational vehicle park that are likely to affect individuals dwelling temporarily therein including risk factors contributing to injury, sickness, death, and disability.

R392-301-2. Applicability.

This rule applies to any person who owns or operates a recreational vehicle park, unless specifically exempted by this rule. This rule applies to the repair, maintenance, use, operation, and occupancy of recreational vehicle parks designed, intended for use, or otherwise used for temporary human habitation.

R392-301-3. Definitions.

For the purposes of this rule, the following terms, phrases, and words shall have the meanings herein expressed:

(1) "Building Code" means International Building Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(2) "Dependent recreational vehicle" means a recreational vehicle that is dependent upon a service building for toilet facilities, hand washing facilities, or shower or bathing facilities, and is not designed for connection to water, sewer, or electrical utilities.

(3) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

(4) "Independent recreational vehicle" means a recreational vehicle equipped with electrical appliances, a water-flush toilet, and a sink and bath or shower which, to be functional, may require connection to outside electrical, water, and sewer utilities.

(5) "Local health officer" means the health officer of the local health department having jurisdiction, or a designated representative.

(6) "Operator" means a person responsible for managing or operating a recreational vehicle park.

(7) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(8) "Recreational vehicle" means a vehicular unit, other than a mobile home or tiny house, designed as a temporary dwelling for travel, recreational and vacation use, which is either driven or is mounted on or pulled by another vehicle, including: travel trailer, camp trailer, fifth-wheel trailer, folding tent trailer, truck camper, or motorhome.

(9) "Recreational vehicle park" or "RV park" means any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters for two or more recreational vehicles. Such a park may be developed or owned by a private, public or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests only.

(10) "Sanitary dump station" means a facility designed:

(a) in accordance with requirements set by Plumbing Code and the Utah Department of Environmental Quality, Division of Water Quality;

(b) to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle; and

(c) to discharge the contents, in an acceptable manner, to an approved wastewater disposal or treatment system.

(11) "Service building" means a structure within a recreational vehicle park that contains toilet, hand sink, and bathing facilities. It may also include laundry facilities, a vending area, or other service type facilities for RV park occupant use.

(12) "Tiny house", for the purposes of this rule, means a dwelling that is 400 square feet or less in floor area, constructed on a chassis with wheels. A tiny house is not a park model recreational vehicle as defined in 41-1a-101 or any other recreational vehicle type as defined in this rule.

(13) "Wastewater" means discharges from all plumbing facilities including rest rooms, kitchen, and laundry fixtures either separately or in combination.

R392-301-4. General.

(1)(a) This rule does not require a construction change in any portion of a RV park if the park was in compliance with the law in effect at the time the park was constructed, except as in Subsection R392-301-4(1)(b).

(b) The local health officer may require construction changes if it is determined the RV park or portion thereof contains an imminent health hazard.

(2) The operator shall carry out the provisions of this rule.

(3) Severability - If any provision of this rule or its application to any person or circumstance is declared invalid, the application of such provision to other persons or circumstances, and the remainder of this rule, shall not be affected thereby.

(4) The operator shall comply with all applicable building, zoning, electrical, health, fire codes and all local ordinances.

(5) The operator shall provide the local health officer with contact information for a park representative who can be available to communicate with the local health officer during all days and times that the RV park is occupied in the event of an imminent health hazard or emergency.

(6) A recreational vehicle park operator or agent shall select or construct a location for the facility that will provide adequate surface drainage. The operator shall make a reasonable effort to locate the facility away from any known existing public health nuisance.

(7) When an operator accommodates dependent recreational vehicles or tents, the operator shall construct and maintain a service building according to the requirements of Section R392-301-7.

(8) A recreational vehicle or a tiny house may be allowed in a RV Park only when:

(a) a data plate or permanent label is attached to the structure that includes:

(i) name of the manufacturer;

(ii) serial number or vehicle identification number (VIN) of the unit;

(iii) date of manufacture; and

(iv) a statement that the unit is designed and manufactured to NFPA 1192 or ANSI A119.5 standards; and when

(b) it has been certified by the Recreational Vehicle Industry Association; or

(c) it has been inspected by a qualified third-party inspection company and certified to be in compliance with the standards in NFPA 1192 or ANSI A119.5.

(9) An electrical installation in a RV park shall comply with Utah Code Title 15A.

R392-301-5. Water Supply.

(1) Potable water supply systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309; and

(c) Local health department regulations.

(2) The operator shall provide potable water to each site designed and intended for recreational vehicle use.

(a) This provision may be modified with approval by the local health officer if a service building is provided as in Subsection R392-301-4(7).

(b) Where individual water connections are not provided to sites, common-use water faucets shall be accessible to RV park occupants, and located not more than 300 feet from any site. A threaded spigot is prohibited on any such common-use water faucet providing potable water to a site.

(c) The operator shall design and construct the area immediately around a common-use water faucet (i.e. spigot) to promote surface drainage by using a constructed drain system such as a gravel pit, subsurface drywell, French drain, or seepage trench. The operator shall prevent water in this area from flowing into traffic areas and surface waters, or from pooling, standing, or becoming stagnant. This requirement does not apply to water connections in individual sites.

(d) The operator shall protect water systems against the hazards of cross-connection, backflow, and interior surface contamination of attached hoses.

(3) In any recreational vehicle park or portion thereof where it is not feasible to pipe potable water into the area, an alternate supply of potable water may be permitted upon approval of the local health officer.

R392-301-6. Wastewater.

(1) All wastewater shall be discharged to a public sanitary sewer system whenever practicable.

(a) Sewer systems for use by recreational vehicle park occupants shall be designed, installed, and operated according to the requirements set forth by:

(i) Plumbing Code;

(ii) The Utah Department of Environmental Quality, Division of Water Quality under Title R317;

(iii) local health department regulations; and

(iv) the local sewer district having jurisdiction.

(b) Where connection to a public sewer is not available, wastewater shall be discharged into an approved wastewater disposal system meeting the requirements of Title R317, Environmental Quality, Water Quality, and local health department regulations.

(c) The operator shall submit all required plans for the construction or alteration of a wastewater disposal system in accordance with Title R317 prior to commencing construction or alteration.

(2) The operator shall provide a sanitary dump station unless all sites are connected to an approved sewer system. Unless a local health officer approves other means, the operator shall design and construct the sanitary dump station to include the following:

(a) Easy ingress and egress from a service road for recreational vehicles and located not less than 50 feet from any site;

(b) The sewage inlet surrounded by a curbed concrete apron or trough of at least three feet by three feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight;

(c) A means for flushing with pressurized water the immediate area and the recreational vehicle wastewater holding tank(s).

(3) If the operator makes sewer service available to each designated site designed and intended to accommodate independent recreational vehicles, the operator shall design, install, operate, and maintain individual connections to the sewer system according to the requirements set by:

(a) Plumbing Code;

(b) the Utah Department of Environmental Quality, Division of Water Quality;

(c) local health department regulations; and

(d) local sewer district having jurisdiction.

(4) When the operator makes sewer service available to an individual site, that sewer connection is not subject to the requirements of Subsection R392-301-6(2).

(5) The operator shall provide tight-fitting covers for all sewer risers.

(6) A trap is prohibited between the sewer riser and sewer lateral.

(7) The connection and connecting line between the recreational vehicle drain outlet and the sewer riser shall be watertight and self-draining.

(8) The rim of the sewer riser shall extend not more than 4 inches above adjacent ground surface elevations. Surface drainage shall be directed away from the sewer riser.

(9) The operator shall prohibit dependent recreational vehicles and tents in a recreational vehicle park unless effective means are provided to collect and contain dishwashing, bathing or other liquid waste material and to properly dispose of these wastes by means approved by the local health officer.

(10) If the operator provides laundering facilities, the equipment shall discharge wastewater as required in Subsection R392-301-6(1).

R392-301-7. Service Building.

(1) All structures used in a recreational vehicle park shall be of permanent construction, meeting the requirements of Building Code.

(2) Each recreational vehicle park in which sites are set aside for dependent recreational vehicles or tents, as in R392-301-4(7), shall be provided with a service building or buildings for the use of park occupants.

(3) Service buildings shall meet the following requirements:

(a) Except as provided in Subsection R392-301-7(3)(b)(i), separate toilet rooms within the service building shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English, or marked with easily understood pictures or symbols.

(b) Each service building shall have one toilet, one hand sink, and one bath fixture for each sex for each 15 sites set aside in Subsection R392-301-4(7), or fraction thereof.

(i) Where a toilet room will be occupied by no more than one person at a time, can be locked from the inside, and contains at least one toilet, separate toilet rooms for each sex need not be provided.

(c) A service building shall be located not less than 15 feet and not more than 500 feet from any site designated for dependent recreational vehicles.

(d) A service building shall be provided with adequate light, heat and ventilation.

(e) A service building shall be properly maintained clean and shall be constructed of smooth, moisture resistant finish materials to withstand frequent washing and cleaning.

(4) The operator shall maintain each service building in a clean and sanitary condition.

(5) Clean individual disposable towels shall be provided near handwashing sinks. Alternate hand drying methods approved by the local health officer may be substituted for individual disposable towels.

(6) The operator shall provide soap and waste receptacles with lids in each service building.

(7) For each toilet room within a service building, the operator shall provide:

(a) toilet tissue in suitable dispensers; and

(b) at least one solid, easily cleanable, covered waste receptacle for the collection of solid waste; or

(c) at least one solid, easily cleanable, uncovered waste receptacle and a sanitary napkin receptacle.

R392-301-8. Operation and Maintenance.

(1) The operator shall maintain all buildings, rooms, and equipment, including furnishings and equipment in RV park areas, and the grounds surrounding them in a clean and operable condition, free of litter and debris.

(2) Where electric power is available, service buildings shall be equipped with outside lighting to indicate the location and entrance doorways of each.

(3) Where necessary, all reasonable means shall be employed to eliminate or control infestations of vermin, vectors, or

pests within all parts of a RV park. This shall include approved screening or other approved control of outside openings in structures intended for occupancy.

(4) The operator shall maintain interior roads and parking areas in a manner that prevents harborage for vermin.

R392-301-9. Food Service.

When food service is provided for RV park occupants, food service, storage, and preparation shall comply with the FDA Model Food Code as incorporated and amended in Rule R392-100 and local health department regulations.

R392-301-10. Solid Wastes.

(1) The operator shall provide adequate containers to prevent the accumulation of solid waste in the RV park.

(2) Solid waste generated at a RV park or picnic area shall be stored in a leak-proof, non-absorbent container, which shall be kept covered with a tight-fitting lid.

(3) All solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or a public health nuisance.

R392-301-11. Swimming Pools.

The operator shall comply with Rule R392-302, Design, Construction, and Operation of Public Pools as well as other local health department regulations for all pools or spas made available to RV park occupants or staff.

R392-301-12. Inspections and Investigations.

(1)(a) Upon presenting proper identification, the operator shall permit the local health officer to enter upon the premises of a recreational vehicle park to perform inspections, investigations, reviews, and other actions as necessary to ensure compliance with Rule R392-301.

(b) The local health officer may not enter an occupied recreational vehicle without the express permission of the occupant except when a warrant is issued to a duly authorized public safety officer which authorizes the local health officer to enter, or when the operator and the local health officer determine that there exists an imminent risk to the life, health, or safety of the occupant.

R392-301-13. Closing or Restricting Use of Recreational Vehicle Parks or Sites.

(1) If a local health officer deems a recreational vehicle park, site, space, or portion thereof to be an imminent health hazard, the park, site, or space may be closed or its use may be restricted, as determined by the local health officer.

(2) The operator shall restrict public access to the impacted area of any recreational vehicle park, site, or space closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

(3) It shall be unlawful for an operator to allow the public to utilize any recreational vehicle park, unit, space, or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

KEY: public health, recreation areas, RV parks, recreational vehicles

Date of Enactment or Last Substantive Amendment: [H993]2018

Notice of Continuation: November 8, 2016
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-30(9); 26-1-30(23); 26-7-1; 26-15-2

**Utech Board of Trustees,
 Administration
 R945-1
 UTech Scholarship**

NOTICE OF PROPOSED RULE
 (New Rule)
 DAR FILE NO.: 43093
 FILED: 07/16/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is being implemented in accordance with H.B. 437, passed during the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: This new rule is being implemented to establish requirements related to the technical college scholarships described in Section 53B-2a-116, including a technical college's administration of the scholarships, student eligibility and priority, application processes, and determination of satisfactory progress.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-2a-116

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This new rule is anticipated to have a new ongoing fiscal cost of \$800,000 to the state budget per year, because the state initially appropriated \$800,000 ongoing in H.B. 3 (2018) to implement the provisions of H.B. 437 (2018), which necessitated this rule. This new rule is anticipated to have inestimable savings to the state budget because tax revenue returned by future income of scholarship recipients cannot be calculated.

◆ **LOCAL GOVERNMENTS:** This new rule is not anticipated to have a cost or savings to local governments because this rule deals with scholarships awarded to students by technical colleges within the Utah System of Technical Colleges, and does not require any expenditures of or generate any revenues for local governments.

◆ **SMALL BUSINESSES:** This new rule is not anticipated to have a cost or savings to small businesses because this rule deals with scholarships awarded to students by technical colleges within the Utah System of Technical Colleges, and does not require any expenditures of or generate any revenues for small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This new rule is anticipated to have an inestimable benefit to persons who receive the scholarship. The benefit is inestimable because the scholarship amount that will be

awarded to each recipient will vary according to available funding and the parameters set forth in this rule, and because personal income derived from employment resulting from education funded by the scholarship cannot be calculated. Otherwise, this new rule is not anticipated to have a cost or savings to other persons because this rule deals with scholarships awarded to students by technical colleges within the Utah System of Technical Colleges, and does not require any expenditures of or generate any revenues for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed rule will not result in a direct fiscal impact to businesses. This rule deals with scholarships awarded to students by technical colleges within the Utah System of Technical Colleges, and does not require any expenditures of or generate any revenues for small businesses. Businesses may experience an indirect impact through the employment and productivity of individuals trained under the scholarship.

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

UTECH BOARD OF TRUSTEES
 ADMINISTRATION
 310 SOUTH MAIN STREET, SUITE 1250
 SALT LAKE CITY, UT 84101
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jared Haines by phone at 801-341-6002, or by Internet E-mail at jhaines@utech.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2018

AUTHORIZED BY: Jared Haines, Associate Commissioner

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$800,000	\$800,000	\$800,000
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0

Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$800,000	\$800,000	\$800,000

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 This proposed rule is not expected to have any fiscal impacts on non-small businesses' revenues or expenditures because this rule deals with scholarships awarded to students by technical colleges within the Utah System of Technical Colleges and does not require any expenditures of or generate any revenues for large businesses.

The Commissioner of Technical Education at the Utah System of Technical Colleges, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.

R945. UTech Board of Trustees, Administration.

R945-1. UTech Scholarship.

R945-1-1. Purpose and Authority.

(1) The purpose of this rule is to establish requirements related to the technical college scholarships described in Section 53B-2a-116, including a college's administration of the scholarships, student eligibility and priority, application processes, and determination of satisfactory progress.

(2) This rule is authorized and directed by Subsection 53B-2a-116(6).

R945-1-2. Definitions.

As used in this rule:

(1) "Career and Technical Education Pathway" means:

(a) For a technical college, a certificate-granting program approved in accordance with Utah System of Technical Colleges (USTC) policy;

(b) For an institution of higher education, a program approved in accordance with State Board of Regents policy that

leads to a certificate and/or associate degree and that prepares students for an occupation; or

(c) For a school district or charter school, a sequence of courses that leads to a secondary school credential of labor market value approved by the State Board of Education.

(2) "Deferral" means the carrying forward of a UTech Scholarship, as described in Subsection R945-1-6(4).

(3) "Graduate from High School" means to qualify for a high school diploma as specified in Subsection R277-705-2(3).

(4) "High Demand Program" means the same as that term is defined in Subsection 53B-2a-116(1)(a).

(5) "Institution of Higher Education" means an institution within the Utah System of Higher Education described in Subsection 53B-1-102(1)(a).

(6) "Satisfactory Progress" means completion of any course, as included in an official transcript from the provider of a career and technical education pathway, that is specific to a career and technical education pathway discipline. Courses in a career and technical education pathway that are not specific to a pathway discipline, such as general education courses, are not eligible.

(7) "Secondary School" means grades 7-12 in whatever kind of school the grade levels exist, as provided in Subsection R277-705-2(5).

(8) "Technical College" means an institution within the Utah System of Technical Colleges described in Section 53B-2a-105.

(9) "Underserved Population" means any individual of ethnic or racial minority status; any individual with a disability; any individual identified as a displaced homemaker, single parent, economically disadvantaged, or of limited English proficiency under Carl D. Perkins Grant reporting procedures; or any individual receiving Pell Grant, Bureau of Indian Affairs, or Department of Workforce Services benefits.

(10) "UTech Scholarship" means a financial award provided by a technical college in accordance with Section 53B-2a-116 and this rule to a student enrolled in a technical college.

R945-1-3. Award Requirements.

To receive a UTech Scholarship, an applicant shall satisfy the following criteria:

(1) Graduate from high school within the seven months prior to receiving a scholarship;

(2) Enroll in, or show intent to enroll in, a high demand program at a technical college within the seven months after high school graduation, except as granted in a deferral; and

(3) While enrolled in a secondary school, make satisfactory progress in a career and technical education pathway offered by a technical college, an institution of higher education, or a school district or charter school.

R945-1-4. Application Process.

The process for an individual to apply to a technical college to receive a UTech Scholarship shall be administered by the technical college, and shall include the following:

(1) College Application: The technical college shall provide an application form, process, and instructions which include the elements provided in this rule, and which may be integrated with other scholarship application forms and processes administered by the college.

(2) UTech Scholarship Specificity: In its application forms and processes, the technical college shall clearly identify the UTech Scholarship's name, award requirements, use, and application process, and shall provide for the applicant to specify that the applicant is applying to be considered for the UTech Scholarship.

(3) Application Deadline: The technical college shall establish deadlines for submission of applications in accordance with the college's scholarship application processes.

(4) Required Documentation: The technical college shall require and retain the following information from each applicant in its application forms and accompanying documents:

(a) Identity and contact information consistent with the college's regular scholarship applications, such as name, address, and date of birth.

(b) Application date.

(c) UTech Scholarship specificity as described in Subsection R945-1-4(2).

(d) Demographic information to include underserved population identification.

(e) High school information, on transcripts or otherwise documented, to include:

(i) Name of high school attended;

(ii) Expected or actual high school graduation date; and

(iii) Expected or actual satisfactory progress in a career and technical education pathway offered by a technical college, an institution of higher education, or a school district or charter school.

(f) Technical college enrollment intentions to include:

(i) Name of technical college;

(ii) High demand program in which the student is enrolled or intends to enroll;

(iii) Date on which the student began or expects to begin the high demand program;

(iv) Intended enrollment hours per week;

(v) Expected program completion date; and

(vi) If a deferral is requested, justification for the deferral in accordance with 945-1-6(4)(a).

R945-1-5. Determination of Scholarship Awards and Amounts.

A technical college shall determine scholarship eligibility, prioritize selection of award recipients and the amount of each award, and grant scholarships according to the following provisions and sequence.

(1) Determination of Eligibility: For each application deadline in Subsection R945-1-4(3), the college shall identify from the application documentation:

(a) Eligible Applicant: Each applicant that satisfies or is expected to satisfy all award requirements in Section R945-1-3.

(b) Eligible Award Period: For each eligible applicant, the period determined by:

(i) Start Date: The date on which the applicant expects to begin a high demand program, or, in the case of an applicant who has previously begun the intended high demand program, the day after the high school graduation date; and

(ii) End Date: Seven months after the high school graduation date, or, in the case of a requested deferral, seven months after the start date.

(c) Eligible Award Amount: For each eligible applicant, the total cost of tuition, program fees, and required textbooks projected to accrue for the high demand program in which the applicant intends to be enrolled during the eligible award period, informed by the applicant's intended enrollment hours per week.

(2) Prioritizing and Awarding of Scholarships: The college shall award scholarships within an application deadline group as follows:

(a) Underserved Populations: The college shall first award a scholarship to each eligible applicant who is a member of an underserved population, in the amount provided in Subsection R945-1-5(3).

(b) Remaining Applicants: The college shall, with any funds remaining after awarding scholarships to members of underserved populations, award scholarships to all other eligible applicants in the amounts provided in Subsection R945-1-5(3).

(3) Calculation of Award Amounts: The college shall determine award amounts for each scholarship recipient identified in Subsection R945-1-5(2) as follows:

(a) Full Eligible Award Amount: If available funds provided in Section R945-1-7 are sufficient for the total of all eligible award amounts identified in Subsection R945-1-5(1)(c) in a given priority group designated in Subsection R945-1-5(2), then each eligible applicant in the group shall be awarded 100% of the applicant's eligible award amount.

(b) Partial Eligible Award Amount: If available funds are less than the total of all eligible award amounts for the priority group, the available funds shall be divided by the number of eligible applicants in the group to determine the maximum award per recipient. Each eligible applicant shall be awarded up to the maximum award, not to exceed 100% of the applicant's eligible award amount. Any unobligated funds remaining for applicants awarded less than the maximum award shall be retained in the scholarship fund for future applicants.

(c) Unavailability of Funds: If there are no available scholarship funds remaining after awards have been determined for a higher priority group, no scholarships shall be awarded for remaining applicants.

R945-1-6. Conditions and Utilization of Scholarship.

(1) Eligibility Verification: Before applying funds for a scholarship awarded in Subsection R945-1-5(2) to a student, a technical college shall verify that all award requirements in Section R945-1-3 have been met by obtaining and retaining additional documentation of actual qualifications which at the time of application were expected or intended to have been met.

(2) Use of Funds: Scholarship funds may be used only for tuition, program fees, and required textbooks in a high demand program in which the recipient is enrolled, up to the recipient's award amount determined in Subsection R945-1-5(3). Funds shall be applied by the college directly to authorized costs and shall not be issued to a recipient in cash.

(3) Time Limitation: Except in the case of a granted deferral, a technical college may only apply a scholarship toward a recipient's costs described in Subsection R945-1-6(2) from the day on which the college awards the scholarship as identified in Subsection R945-1-5(2) until seven months after the day on which the recipient graduates from high school.

(4) Deferral: A college may, by request from the recipient at any time before or during the recipient's award period, defer all or any portion of a scholarship for up to three years after the day on which the recipient graduates from high school.

(a) Deferrals may be granted at the discretion of the college for military service, humanitarian/religious service, documented medical reasons, or other exigent reasons.

(b) The duration of a deferred scholarship shall be for the time remaining in the recipient's award period, not to exceed seven months.

(5) Cancellation: A technical college may cancel a scholarship if the recipient does not, as determined by the college:

(a) Maintain enrollment in the college on at least a half-time basis; or

(b) Make satisfactory progress toward the completion of a certificate in a high demand program.

(6) Unused Funds: Upon termination of a recipient's scholarship due to non-acceptance, completion, cancellation, or any other reason, any unused award amounts shall be removed from liability/obligated status under Subsection R945-1-7(4) and retained in the college's restricted UTech Scholarship account.

R945-1-7. UTech Scholarship Funds.

(1) Distribution of Award Funds: The annual distribution of UTech Scholarship award funds to technical colleges by the Board of Trustees shall be as provided in Subsection 53B-2a-116(2).

(2) Restricted Funds: UTech Scholarship funds shall be considered restricted funds by a technical college, shall be recorded only in restricted UTech Scholarship accounts, and shall be used only for scholarship recipients' tuition, program fees, and required textbooks during their award periods.

(3) Unused/Carryover Funds: Each technical college is encouraged to annually utilize all UTech Scholarship funds for qualified students. Surplus funds (i.e., fund balance or net assets) shall be retained in the restricted fund and carried over from one fiscal year to the next.

(4) Obligated Funds: The projected value of a given student's scholarship award shall be recorded as a liability from the time of the student's selection until the student's scholarship ends, and shall be regarded as utilized funds when determining unused/carryover funds. Obligated funds remaining after the student's scholarship ends shall be returned to unused/carryover funds.

R945-1-8. Appeals.

A technical college shall provide a process and criteria, to be referenced in application materials, by which an applicant may appeal a decision made by the college that is related to this rule, to include provision for any unresolved appeal to be submitted to the Commissioner of Technical Education for final agency action.

R945-1-9. Reporting.

A technical college shall submit calendar year-end data regarding its UTech Scholarships to the Office of the USTC Commissioner by January 15 of each year, and at other times as required by the Office of the Commissioner, to include information pertaining to the provisions of this rule with respect to applications,

awards, enrollments, utilization, funding, or other information as directed by the Commissioner.

KEY: scholarships, technical college, career and technical education, secondary education

Date of Enactment or Last Substantive Amendment: 2018

Authorizing, and Implemented or Interpreted Law: 53B-2a-116

Workforce Services, Employment Development **R986-700-779** Educational Improvement Opportunities Outside of the Regular School Day Grant Program

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 43086

FILED: 07/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed new section is to outline procedures for the Educational Improvement Opportunities Outside of the Regular School Day Grant Program, including the acceptance of grant applications and the awarding of grants.

SUMMARY OF THE RULE OR CHANGE: During the 2018 General Session, the Utah Legislature passed S.B. 202 which enacts Section 53F-5-210. The bill creates the Educational Improvement Opportunities Outside of the Regular School Day Grant Program and sets forth how the Department of Workforce Services (Department) is to administer the Program for private providers, nonprofit providers, and municipalities. Specifically, the bill sets out the criteria for awarding grants and instructs the Department to solicit grant applications. Subsection 53F-5-210(9) specifically instructs the Department to make rules for the administration of the Program. This proposed new section sets forth the procedural requirements for administering the Program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53F-5-210

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This proposed new section is not expected to cause any costs or savings to the state budget because this proposed new section simply sets forth the procedures for how grant applications will be accepted and funded. Nothing in this proposed new section affects the amount of available grant funding or otherwise requires changes in state budget expenditures.

◆ LOCAL GOVERNMENTS: This proposed new section is not expected to cause any costs or savings to local governments because this proposed new section simply sets forth the procedures for how grant applications will be accepted and funded. Nothing in this proposed new section affects the amount of available grant funding, a municipality's substantive eligibility for funding, or any other matter that would cause a change to local governments.

◆ SMALL BUSINESSES: This proposed new section is not expected to cause any costs or savings to small businesses because this proposed new section simply sets forth the procedures for how grant applications will be accepted and funded. Nothing in this proposed new section affects the amount of available grant funding, a provider's substantive eligibility for funding, or any other matter that would cause a fiscal impact to any small business. The Department has considered whether this proposed new section will have a measurable negative fiscal impact on small businesses and has determined that this proposed new section will not have a negative fiscal impact.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This proposed new section is not expected to cause any costs or savings to persons other than small businesses, businesses, or local government entities because this proposed new section simply sets forth the procedures for how grant applications will be accepted and funded. Nothing in this proposed new section affects the amount of available grant funding, a provider's substantive eligibility for funding, or any other matter that would cause a fiscal impact to any person other than a small business, business, or local government entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This proposed new section is not expected to cause any compliance costs for affected persons because this proposed new section simply specifies when and how requests for grant funds may be made and does not impose any new eligibility, reporting, or enforcement requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After a thorough analysis, it was determined that this proposed new section will not result in a fiscal impact to businesses.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Nathan White by phone at 801-526-9647, or by Internet E-mail at nwhite@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2018

AUTHORIZED BY: Jon Pierpont, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

After a thorough analysis, it was determined that this proposed new section will not result in a fiscal impact to businesses.

R986. Workforce Services, Employment Development.

R986-700. Child Care Assistance.

R986-700-779. Educational Improvement Opportunities Outside of the Regular School Day Grant Program.

(1) This rule is authorized by Section 53F-5-210, which creates a grant program for out-of-school time programs and instructs the Department to make rules to administer the grant program for private providers, nonprofit providers, and municipalities.

(2) The purpose of this rule is to outline procedures for the Educational Improvement Opportunities Outside of the Regular School Day Grant Program, including the acceptance of grant applications and the awarding of grants.

(3) Terms used in this rule have the definitions given to them in Section 53F-5-210. For purposes of this rule, "private matching funds" as used in Subsection 53F-5-210(7) means funds from a private source that have not been earmarked or pledged as a match for any other purpose. "Private matching funds" specifically excludes the following:

(a) any federal funds, and

(b) parent funds or any other funds, if the practical effect of earmarking or pledging the funds is to pass the cost of the match along to parents.

(4) For each year the Department is authorized to solicit grant applications, the Department shall publish a grant application timeline that includes the start and end dates for application acceptance and anticipated timeframes for grant evaluation, acceptance or rejection, and funding. The Department may disregard any application that does not comply with the grant application timeline.

(5) The Department shall create a grant application consistent with the requirements of Subsections 53F-5-210(4) and (7)(a). Applicants shall apply for grants using the application the

Department creates. The Department may disregard incomplete or non-conforming applications.

(6) The Department shall evaluate and accept or reject grant applications in accordance with the criteria set forth in Subsection 53F-5-210(5).

(7) Grant recipients shall execute and comply with a standard grant terms and conditions agreement with the Department as a condition of receiving a grant under this rule.

(8) Grant recipients shall claim grant funds by submitting reimbursement requests in accordance with Department reimbursement procedures.

KEY: child care, grant programs

Date of Enactment or Last Substantive Amendment: ~~July 1, 2017~~2018

Notice of Continuation: September 3, 2015

Authorizing, and Implemented or Interpreted Law: 35A-3-310; 53A-1b-110; 53F-5-210

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to 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 <https://rules.utah.gov/>. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Administrative Services, Administration **R13-1** Public Petitions for Declaratory Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43059
FILED: 07/05/2018

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 63G-4-503 requires each agency to issue rules that govern procedures for declaratory orders. Specifically, it provides that, "Each agency shall issue rules that: (a) provide for the form, contents, and filing of petitions for declaratory orders; (b) provide for the disposition of the petitions; (c) define the classes of circumstances in which the agency will not issue a declaratory order; (d) are consistent with the public interest and with the general policy of this chapter; and (e) facilitate and encourage agency issuance of reliable advice." Subsection 63G-4-503(2).

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: This rule provides the procedures for

submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the Department of Administrative Services, or one of its divisions or offices. This rule is being continued as one of the standard procedures of open and transparent government in compliance with the Utah Administrative Procedures Act.

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

ADMINISTRATIVE SERVICES
ADMINISTRATION
ROOM 3120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Kenneth Hansen by phone at 801-538-3010, or by Internet
E-mail at khansen@utah.gov

AUTHORIZED BY: Tani Downing, Executive Director

EFFECTIVE: 07/05/2018

Administrative Services, Facilities Construction and Management **R23-30** State Facility Energy Efficiency Fund

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43069
FILED: 07/11/2018

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 provides for the management of the State Facility Energy Efficiency Fund and implements the associated revolving loan program. This rule is authorized under Section 63A-5-603, which directs the Building Board to make rules necessary for the discharge of its duties and those of the Division of Facilities Construction and Management (DFCM).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is needed because it provides, and establishes, requirements for the eligibility for loans from the State Facility Energy Efficiency Fund, procedures for accepting, evaluating, and prioritizing applications for loans, and the terms and conditions for loans. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Michael Kelley by phone at 801-538-3105, or by Internet E-mail at mkelley@agutah.gov
♦ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at nicolealder@agutah.gov

AUTHORIZED BY: Ned Carnahan, Building Board Chair

EFFECTIVE: 07/11/2018

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43057
FILED: 07/03/2018

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 32B-2-202 authorizes the Alcoholic Beverage Control Commission to adopt and issue policy, rules, and procedures that establish criteria and procedures for issuing, denying, not renewing, suspending, or revoking a retail license, including the limited service restaurant license; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

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 is no record of written comments received since the five-year review period.

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 regulates operations at establishments holding limited service-restaurant liquor licenses. It establishes licensing requirements; sets procedures for licensees to order from and/or return wine and heavy beer items to the Division of Alcoholic Beverage Control (DABC); outlines restrictions on restaurant operating hours; sets regulations on the sale of alcoholic beverages on the restaurant premises including service and consumption at the patron's table, a counter, or grandfathered bar structure; establishes guidelines for the use of alcoholic product flavorings; establishes requirements for menus and price lists; and sets rules for employee identification badges, brownbagging, and rules that define the "remodels a grandfathered bar structure". All of the regulations set forth in this rule remain important and applicable to the operations of a limited-service restaurant. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Sal Petilos, Executive Director

EFFECTIVE: 07/03/2018

**Alcoholic Beverage Control,
Administration
R81-4D
On-Premise Banquet License**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43058

FILED: 07/03/2018

**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 32B-2-202 authorizes the Alcoholic Beverage Control Commission to adopt and issue policy, rules, and procedures that establish criteria and procedures for issuing, denying, not renewing, suspending, or revoking a retail license, including the on-premise banquet license; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

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 is no record of written comments received since the five-year review period.

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 regulates operations at establishments holding on-premise banquet licenses. It defines what type of businesses qualify for an on-premise banquet license; establishes application requirements; sets guidelines for the licensee to purchase from and/or return alcoholic beverage products to the Division of Alcoholic Beverage Control (DABC); sets hours of operations; sets requirements for liquor dispensing, liquor storage, and use of alcoholic product flavoring; establishes requirements for menus and price lists; sets requirements for employee identification badges; permits on-premise banquet facilities to purchase and utilize mini-bottles; and establishes guidelines for reporting required information to the DABC. All regulations set forth in this rule remain important and applicable to the operations of an on-premise banquet facility. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Sal Petilos, Executive Director

EFFECTIVE: 07/03/2018

**Education, Administration
R277-470
Charter Schools - General Provisions**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43082

FILED: 07/13/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board of Education (Board), Section 53A-1a-513 which directs the Board to distribute funds for charter school students directly to the charter school, Subsection 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds.

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.

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 still necessary because it provides directions to charter schools for federal funds and startup and implementation funding. This rule also provides

criteria for a charter school mentoring program and additional charter school-specific directives. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 07/13/2018

**Education, Administration
R277-481**

**Charter School Oversight, Monitoring
and Appeals**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43083
FILED: 07/13/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board of Education (Board), Subsection 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds.

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.

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 still necessary because it establishes procedures for oversight and monitoring of charter agreements and charter schools for compliance with minimum standards. This rule also provides appeals criteria and a process for schools found out of compliance with chartering entity findings. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 07/13/2018

**Education, Administration
R277-492**

**Utah Science Technology and
Research Initiative (USTAR) Centers
Program**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43084
FILED: 07/13/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board of Education (Board), Subsection 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-159 which appropriates funding to establish extended contracts for mathematics and science teachers as part of the Utah Science Technology and Research (USTAR) Centers Initiative. The Utah State Office of Education (USOE) shall provide statewide supervision of the program and budget and shall recommend funding for USTAR programs based on USTAR objectives, Board funding priorities, and available funds.

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.

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 still necessary because it establishes standards and procedures to direct recipient public school districts or charter schools to develop proposals that create USTAR Centers that will enhance their ability to retain mathematics and science teachers while simultaneously offering more opportunities for students and more effectively using capital facilities. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 07/13/2018

Education, Administration
R277-619
 Student Leadership Skills Development

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 43085
 FILED: 07/13/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board of Education (Board), by Subsection 53A-17a-169(4) which directs the Board to make rules for elementary school participation in this pilot grant program, and by Subsection

53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.

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.

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 still necessary because it provides criteria, procedures, and timelines for the Board to designate schools and grant awards to facilitate elementary school participation in the pilot Student Leadership Skills Development program. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 07/13/2018

Health, Disease Control and
 Prevention, Environmental Services
R392-103
 Food Handler Training and Certificate

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 43077
 FILED: 07/12/2018

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: Rule R392-103 is authorized under Sections 26-1-30 and 26-15-5. Subsection 26-1-30(4) authorizes the Department of Health (Department) to

establish, maintain, and enforce rules necessary, or desirable, to carry out the provisions and purposes of Title 26 to promote and protect the public health or to prevent disease and illness. Section 26-15-5 details specific food handler training and testing requirements, and authorizes the Department to approve the content of an approved food handler training program, approve training providers, audit training programs, develop an exam, establish requirements designed to inhibit fraud, determine required student identifying information, and establish maximum permit fee for a food handler permit.

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 sought comments from the local health departments in Utah, as well as the Utah Restaurant Association, the Salt Lake Area Restaurant Association, and all approved food handler training providers. No comments were received in opposition to a continuation of Rule R392-103. Comments have been received concerning certain aspects of this rule. One food handler training provider commented regarding the bank of food handler exam questions, stating: "the exam requirements completely disregards the difficulty of the questions on an individual exam. By having 10 randomly selected questions from 4 sections there is the possibility that one individual will get a harder test than another individual." Comments were also been received from the Utah Restaurant Association asking about extending the 30-day expiration period for training certificates.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of Rule R392-103 is recommended by the Department. This rule requires adherence to uniform statewide standards for training and testing food handlers, and issuing food handler certificates and permits. The food handler training, certificate, and permitting process is critical to promoting and protecting public health. The Department received no comments in opposition to this rule. In response to other comments received, the 30-day expiration for training certificates and the selection of test questions are required by statute in Section 26-15-5.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at chrisnelson@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 07/12/2018

Insurance, Administration **R590-186** Bail Bond Surety Business

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 43067
FILED: 07/10/2018

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 31A-35-104 requires the Insurance Commissioner to adopt specific licensure and certification guidelines and standards of conduct for the bail bond business. Subsection 31A-35-301(1) authorizes the Insurance Commissioner to adopt rules necessary to administer Title 31A, Chapter 35. Subsection 31A-35-401(1)(c) authorizes the Insurance Commissioner to adopt rules governing the granting of licenses for bail bond surety companies. Subsection 31A-35-401(2) authorizes the Insurance Commissioner to require additional information from bail bond applicants applying for licensure. Subsection 31A-35-406(1)(b) authorizes the Insurance Commissioner to establish the annual renewal date for the renewal of a license as a bail bond surety company. This rule establishes uniform criteria and procedures for the initial and renewal licensing of a bail bond surety company, and sets standards of conduct for those in the bail bond surety business in Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department of Insurance has received no 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: This rule requires the Insurance Commissioner to adopt, by rule, specific licensure and certification guidelines and standards of conduct for the

business of bail bond surety insurance. This rule also specifies certain conduct that is considered to be unprofessional and in violation of the Insurance Code. This is an important rule in training and regulating bail licensees in their conduct and 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 Office 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: Steve Gooch, Information Specialist

EFFECTIVE: 07/10/2018

**Insurance, Title and Escrow
Commission
R592-10**

**Title Insurance Regulation Assessment
for Agency Title Insurance Producers
and Title Insurers**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43068
FILED: 07/10/2018

**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-2-404(2)(d) requires the Title and Escrow Commission to determine, by rule, the assessment required by Section 31A-23a-415. Subsection 31A-23a-415(2)(d) requires the Title and Escrow Commission to establish the amount of costs and expenses that will be covered by the assessment. This rule establishes categories of costs and expenses incurred by the Department of Insurance (Department) in administering, investigating, and enforcing the provisions of Title 31A, Chapter 23a, Part IV, and Part V related to the marketing of title insurance and the audits of title agencies. This rule requires title insurance agencies and title insurers to report the mailing address and physical location of each office in the county where the title

agency or title insurer maintains an office. This rule establishes a calculation method for the calculation of the number of title insurance agencies or title insurer offices, and determines the premium year used in calculating the assessment of title insurers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has received no 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: This rule is necessary to determine the costs and expenses incurred by the Department as it regulates the title insurance industry; these are covered by an assessment to the industry. This rule sets a method of calculation that is important for transparency purposes, as well as for fairness, consistency, and accuracy. The Title and Escrow Commission voted 4 - 0 to continue this rule at its 07/09/2018 meeting.

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 Office 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: Steve Gooch, Information Specialist

EFFECTIVE: 07/10/2018

**Public Service Commission,
Administration
R746-344**

**Filing Requirements for Telephone
Corporations with Less Than 5,000
Access Line Subscribers**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43056
FILED: 07/03/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-7-12 addresses rate changes of public utilities, and the information and schedules they are to submit to justify and show the rate changes they propose. This rule provides direction on what type of information may be submitted by small telephone companies to simplify the provision of necessary information to support rate changes proposed and to be approved by the Commission.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule remains necessary to provide information for general rate case filings. This rule requires information to be filed on schedules with an application for a change in rates. Providing this information simplifies proceedings, eliminates expense, and enhances the effectiveness of the fact-finding process. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SERVICE COMMISSION
 ADMINISTRATION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY, UT 84111-2316
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
 ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Michael Hammer, Administrative Law Judge

EFFECTIVE: 07/03/2018

Public Service Commission,
 Administration
R746-345
 Pole Attachments

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43087
 FILED: 07/16/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-13 provides that the Public Service Commission (PSC) shall have the power to regulate the rates and terms by which a public utility can permit attachments to its poles by an attaching entity.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received 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 PSC must continue to ensure just and reasonable terms and conditions for pole attachments, and to ensure an attachers use of a utility's facilities will not interfere with the primary utility function to render them unsafe. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SERVICE COMMISSION
 ADMINISTRATION
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY, UT 84111-2316
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
 ♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/16/2018

Public Service Commission,
 Administration
R746-404
 Regulation of Promotional Programs of
 Electric and Gas Public Utilities

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43088
FILED: 07/16/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 provides the Public Service Commission (PSC) authority and jurisdiction to supervise and regulate every public utility in this state. An order by the PSC is needed for approval of promotional programs to ensure such programs are in the public interest.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received 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: Electric and gas regulated monopoly utility companies continue to request approval of promotional programs and the PSC must continue to monitor and regulate those programs to ensure the programs are in the public interest. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/16/2018

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43089
FILED: 07/16/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 provides the Public Service Commission (PSC) authority and jurisdiction to supervise and regulate every public utility in this state, and to do all things necessary that is just reasonable and in the public interest.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule remains necessary to continue to monitor and regulate the direct or indirect advertising expenditures of regulated monopoly utility companies and to ensure they are in the public interest. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/16/2018

Public Service Commission,
Administration
R746-406

Advertising by Electric and Gas Utilities

Public Service Commission,
Administration
R746-500

Americans With Disabilities Act
Complaint Procedure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43090
FILED: 07/16/2018

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 required and authorized by 42 U.S.C. 12201, Section 54-1-1, and Subsection 63G-201-(2). It provides for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act of 1990.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary so that an individual with a disability may know the complaint process if they believe they have been excluded from participation in a Public Service Commission (PSC) proceeding, have been denied the benefits of the services, program, or activities of the PSC, or have been subjected to discrimination in a PSC setting. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/16/2018

Public Service Commission,
Administration
R746-600

Postretirement Benefits other than Pensions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43091
FILED: 07/16/2018

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: As a part of its ratemaking authority in Section 54-4-1, the Public Service Commission (PSC) must make determinations regarding the accounting of utility costs such as postretirement benefits.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were Public Service Commission (PSC) in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary for the PSC to determine how postretirement benefits are accounted for by the regulated monopoly utility companies. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Melanie Reif, Legal Counsel

EFFECTIVE: 07/16/2018

**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 Office 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).

Health, Disease Control and
Prevention, Laboratory Services

R438-13

Rules for the Certification of Institutions
to Obtain Impounded Animals in the
State of Utah

FIVE-YEAR REVIEW EXTENSION

DAR FILE NO.: 43078

FILED: 07/12/2018

EXTENSION REASON AND NEW DEADLINE: The agency needs to make extensive revisions to this rule so they want to delay the five-year review. The new deadline is 11/09/2018.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Robyn Atkinson by phone at 801-965-2424, by FAX at 801-969-3704, or by Internet E-mail at rmatkinson@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 07/12/2018

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 Office 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

Agriculture and Food

Plant Industry

No. 42872 (AMD): R68-20. Utah Organic Standards

Published: 06/01/2018

Effective: 07/09/2018

Commerce

Real Estate

No. 42809 (AMD): R162-2c. Utah Residential Mortgage

Practices and Licensing Rules

Published: 05/15/2018

Effective: 07/13/2018

Education

Administration

No. 42914 (AMD): R277-104. ADA Complaint Procedure

Published: 06/01/2018

Effective: 07/09/2018

No. 42915 (AMD): R277-107. Educational Services Outside of Educator's Regular Employment

Published: 06/01/2018

Effective: 07/09/2018

No. 42916 (AMD): R277-436. Gang Prevention and Intervention Programs in the Schools

Published: 06/01/2018

Effective: 07/09/2018

No. 42923 (NEW): R277-461. Elementary School Counselor Grant Program

Published: 06/01/2018

Effective: 07/09/2018

No. 42921 (R&R): R277-613. LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training

Published: 06/01/2018

Effective: 07/09/2018

No. 42917 (AMD): R277-614. Athletes and Students with Head Injuries

Published: 06/01/2018

Effective: 07/09/2018

Environmental Quality

Waste Management and Radiation Control, Radiation

No. 42798 (AMD): R313-37-3. Clarifications or Exceptions

Published: 05/01/2018

Effective: 07/13/2018

Governor

Economic Development

No. 42922 (AMD): R357-5. Motion Picture Incentive

Published: 06/01/2018

Effective: 07/09/2018

Health

Administration

No. 42863 (AMD): R380-40. Local Health Department

Minimum Performance Standards

Published: 05/15/2018

Effective: 07/03/2018

NOTICES OF RULE EFFECTIVE DATES

No. 42852 (AMD): R380-50. Local Health Department
Funding Allocation Formula
Published: 05/15/2018
Effective: 07/03/2018

Disease Control and Prevention, Health Promotion
No. 42870 (NEW): R384-324. Tobacco Retailer Permit
Process
Published: 05/15/2018
Effective: 07/09/2018

Natural Resources

Wildlife Resources
No. 42920 (AMD): R657-5. Taking Big Game
Published: 06/01/2018
Effective: 07/09/2018

No. 42919 (AMD): R657-10. Taking Cougar
Published: 06/01/2018
Effective: 07/09/2018

No. 42913 (NEW): R657-51. Poaching-Reported Reward
Permits
Published: 06/01/2018
Effective: 07/09/2018

Public Safety

Criminal Investigations and Technical Services, Criminal
Identification

No. 42808 (AMD): R722-310. Regulation of Bail Bond
Recovery and Enforcement Agents
Published: 05/15/2018
Effective: 07/11/2018

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, 2018 through July 16, 2018. 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 Office of Administrative Rules (801-538-3003).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office's web site (<https://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
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	43059	5YR	07/05/2018	Not Printed
R13-3	Americans with Disabilities Act Grievance Procedures	42634	AMD	04/23/2018	2018-6/4
<u>Facilities Construction and Management</u>					
R23-5	Contingency Funds	42347	AMD	01/23/2018	2017-24/8
R23-9	Cooperation with Local Government Planning	42348	AMD	01/23/2018	2017-24/9
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	42846	AMD	06/26/2018	2018-10/6
R23-30	State Facility Energy Efficiency Fund	43069	5YR	07/11/2018	Not Printed
<u>Finance</u>					
R25-5	Payment of Meeting Compensation (Per Diem) to Boards	42570	5YR	02/08/2018	2018-5/141
R25-6	Relocation Reimbursement	42571	5YR	02/08/2018	2018-5/141
R25-7	Travel-Related Reimbursements for State Employees	42572	5YR	02/08/2018	2018-5/142
R25-7	Travel-Related Reimbursements for State Employees	42854	AMD	06/21/2018	2018-10/9
R25-7-6	Reimbursement for Meals	43008	NSC	07/03/2018	Not Printed
R25-8	Overtime Meal Allowance	42573	5YR	02/08/2018	2018-5/142
<u>Inspector General of Medicaid Services (Office of)</u>					
R30-1	Office of Inspector General of Medicaid Services	42658	REP	06/01/2018	2018-7/6
R30-1	Office Procedures	42694	NEW	06/01/2018	2018-7/10
R30-2	Adjudicative Procedures	42695	NEW	06/01/2018	2018-7/14
R30-3	Declaratory Orders	42696	NEW	06/01/2018	2018-7/17
<u>Risk Management</u>					
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	42934	EMR	07/01/2018	2018-12/39
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Rural Rehabilitation Loans	42559	NEW	05/02/2018	2018-5/4
R51-6	Agricultural Advisory Board Electronic Meeting	42472	NEW	03/23/2018	2018-3/4
<u>Conservation Commission</u>					
R64-2	Conservation Commission Electronic Meetings	42944	5YR	06/01/2018	2018-12/43

Plant Industry

R68-5	Grain Inspection	42530	5YR	01/30/2018	2018-4/95
R68-5	Grain Inspection	42531	NSC	02/27/2018	Not Printed
R68-9	Utah Noxious Weed Act	42943	5YR	06/01/2018	2018-12/43
R68-14	Quarantine Pertaining to Gypsy Moth - Lymantria Dispar	42721	5YR	03/26/2018	2018-8/145
R68-16	Quarantine Pertaining to Pine Shoot Beetle, Tomicus piniperda	42930	5YR	05/23/2018	2018-12/44
R68-20	Utah Organic Standards	42872	AMD	07/09/2018	2018-11/6

Regulatory Services

R70-940	Standards and Testing of Motor Fuel	42422	R&R	02/22/2018	2018-2/6
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ALCOHOLIC BEVERAGE CONTROL

Administration

R81-4C	Limited Restaurant Licenses	43057	5YR	07/03/2018	Not Printed
R81-4D	On-Premise Banquet License	43058	5YR	07/03/2018	Not Printed
R81-10	Off-Premise Beer Retailers	42931	5YR	05/23/2018	2018-12/44

ATTORNEY GENERAL

Administration

R105-2	Records Access and Management	42367	AMD	02/07/2018	2018-1/2
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CAREER SERVICE REVIEW OFFICE

Administration

R137-2	Government Records Access and Management Act	42779	5YR	04/09/2018	2018-9/69
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COMMERCE

Consumer Protection

R152-1	Utah Division of Consumer Protection Buyer Beware List	42827	NSC	04/26/2018	Not Printed
R152-1a	Internet Content Provider Ratings Methods	42828	NSC	04/26/2018	Not Printed
R152-6	Utah Administrative Procedures Act Rules	42830	NSC	04/26/2018	Not Printed
R152-11	Utah Consumer Sales Practices Act	42831	NSC	04/26/2018	Not Printed
R152-15	Business Opportunity Disclosure Act Rules	42832	NSC	04/26/2018	Not Printed
R152-20	New Motor Vehicle Warranties	42833	NSC	04/26/2018	Not Printed
R152-21	Credit Services Organizations Act Rules	42834	NSC	04/26/2018	Not Printed
R152-22	Charitable Solicitations Act	42835	NSC	04/26/2018	Not Printed
R152-23	Utah Health Spa Services	42836	NSC	04/26/2018	Not Printed
R152-26	Telephone Fraud Prevention Act	42837	NSC	04/26/2018	Not Printed
R152-32a	Pawnshop and Secondhand Merchandise Transaction Information Act Rules	42838	NSC	04/26/2018	Not Printed
R152-32a	Pawnshop and Secondhand Merchandise Transaction Information Act Rule	42929	5YR	05/17/2018	2018-12/45
R152-34	Postsecondary Proprietary School Act Rules	42839	NSC	04/26/2018	Not Printed
R152-34a	Utah Postsecondary School State Authorization Act Rules	42840	NSC	04/26/2018	Not Printed
R152-39	Child Protection Registry Rules	42841	NSC	04/26/2018	Not Printed
R152-42	Uniform Debt-Management Services Act Rules	42842	NSC	04/26/2018	Not Printed
R152-49	Immigration Consultants Registration Act Rules	42843	NSC	04/26/2018	Not Printed

Occupational and Professional Licensing

R156-1	General Rule of the Division of Occupational and Professional Licensing	42582	AMD	04/09/2018	2018-5/7
R156-5a	Podiatric Physician Licensing Act Rule	42869	5YR	05/01/2018	2018-10/155
R156-11a	Cosmetology and Associated Professions Licensing Act Rule	42778	AMD	06/07/2018	2018-9/4
R156-24b-102	Definitions	42623	NSC	03/14/2018	Not Printed
R156-31b	Nurse Practice Act Rule	42448	5YR	01/08/2018	2018-3/69
R156-37c	Utah Controlled Substance Precursor Act Rule	42848	5YR	04/24/2018	2018-10/155
R156-46b-401	In General	42428	NSC	01/18/2018	Not Printed
R156-55b-102	Definitions	42429	NSC	01/18/2018	Not Printed

RULES INDEX

R156-63a	Security Personnel Licensing Act Contract Security Rule	42925	5YR	05/15/2018	2018-11/55
R156-63b	Security Personnel Licensing Act Armored Car Rule	42924	5YR	05/15/2018	2018-11/56
R156-68	Utah Osteopathic Medical Practice Act Rule	42447	5YR	01/08/2018	2018-3/70
R156-70a	Physician Assistant Practice Act Rule	42807	AMD	06/21/2018	2018-10/24
R156-71	Naturopathic Physician Practice Act Rule	42785	AMD	06/07/2018	2018-9/8
R156-72	Acupuncture Licensing Act Rule	42338	AMD	01/23/2018	2017-24/11
R156-74	Certified Court Reporters Licensing Act Rule	42847	5YR	04/24/2018	2018-10/156
R156-78-502	Unprofessional Conduct	42243	AMD	01/02/2018	2017-22/28
<u>Real Estate</u>					
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	42809	AMD	07/13/2018	2018-10/27
CORRECTIONS					
<u>Administration</u>					
R251-114	Offender Long-Term Health Care - Notice	42637	5YR	03/07/2018	2018-7/161
EDUCATION					
<u>Administration</u>					
R277-100	Definitions for Utah State Board of Education (Board) Rules	42749	NSC	04/12/2018	Not Printed
R277-101	Public Participation in Utah State Board of Education Meetings	42750	NSC	04/12/2018	Not Printed
R277-102	Adjudicative Proceedings	42751	NSC	04/12/2018	Not Printed
R277-104	ADA Complaint Procedure	42909	5YR	05/11/2018	2018-11/56
R277-104	ADA Complaint Procedure	42914	AMD	07/09/2018	2018-11/9
R277-105	Recognizing Constitutional Freedoms in the Schools	42752	NSC	04/12/2018	Not Printed
R277-106	Utah Professional Practices Advisory Commission Appointment Process	42753	NSC	04/12/2018	Not Printed
R277-107	Educational Services Outside of Educator's Regular Employment	42910	5YR	05/11/2018	2018-11/57
R277-107	Educational Services Outside of Educator's Regular Employment	42915	AMD	07/09/2018	2018-11/12
R277-108	Annual Assurance of Compliance by Local School Boards	42754	NSC	04/12/2018	Not Printed
R277-109	Legislative Reporting and Accountability	42755	NSC	04/12/2018	Not Printed
R277-110	Educator Salary Adjustment	42756	NSC	04/12/2018	Not Printed
R277-113	LEA Fiscal and Auditing Policies	42849	EXD	04/24/2018	2018-10/159
R277-113	LEA Fiscal and Auditing Policies	42857	NEW	06/22/2018	2018-10/28
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	42757	NSC	04/12/2018	Not Printed
R277-116	Audit Procedure	42609	AMD	04/09/2018	2018-5/14
R277-117	Utah State Board of Education Protected Documents	42758	NSC	04/12/2018	Not Printed
R277-119	Discretionary Funds	42759	NSC	04/12/2018	Not Printed
R277-120	Licensing of Material Developed with Public Education Funds	42760	NSC	04/12/2018	Not Printed
R277-121	Board Waiver of Administrative Rules	42761	NSC	04/12/2018	Not Printed
R277-122	Board of Education Procurement	42608	AMD	04/09/2018	2018-5/19
R277-122	Board of Education Procurement	42780	NSC	04/13/2018	Not Printed
R277-210	Utah Professional Practices Advisory Commission (UPPAC), Definitions	42771	NSC	04/13/2018	Not Printed
R277-211	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	42772	NSC	04/13/2018	Not Printed
R277-212	UPPAC Hearing Procedures and Reports	42773	NSC	04/13/2018	Not Printed
R277-213	Request for Licensure Reinstatement and Reinstatement Procedures	42774	NSC	04/13/2018	Not Printed
R277-214	Utah Professional Practices Advisory Commission Criminal Background Review	42775	NSC	04/13/2018	Not Printed

R277-215	Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions	42776	NSC	04/13/2018	Not Printed
R277-216	Surrender of License with UPPAC Investigation Pending	42777	NSC	04/13/2018	Not Printed
R277-400	School Facility Emergency and Safety	42878	NSC	05/17/2018	Not Printed
R277-401	Child Abuse-Neglect Reporting by Education Personnel	42879	NSC	05/17/2018	Not Printed
R277-402	School Readiness Initiative	42880	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42881	NSC	05/17/2018	Not Printed
R277-404	Requirements for Assessments of Student Achievement	42479	AMD	03/14/2018	2018-3/5
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42882	NSC	05/17/2018	Not Printed
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42956	5YR	06/07/2018	2018-13/139
R277-407	School Fees	42883	NSC	05/17/2018	Not Printed
R277-409	Public School Membership in Associations	42884	NSC	05/17/2018	Not Printed
R277-410	Accreditation of Schools	42885	NSC	05/17/2018	Not Printed
R277-412	State Capitol Visit Program	42886	NSC	05/17/2018	Not Printed
R277-415	School Nurses Matching Funds	42480	NEW	03/14/2018	2018-3/11
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation	42887	NSC	05/17/2018	Not Printed
R277-418	Distance, Blended, Online, or Competency Based Learning Program	42888	NSC	05/17/2018	Not Printed
R277-419	Pupil Accounting	42889	NSC	05/17/2018	Not Printed
R277-420	Aiding Financially Distressed School Districts	42890	NSC	05/17/2018	Not Printed
R277-421	Out-of-State Tuition Reimbursement	42891	NSC	05/17/2018	Not Printed
R277-422	State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program	42892	NSC	05/17/2018	Not Printed
R277-424	Indirect Costs for State Programs	42893	NSC	05/17/2018	Not Printed
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	42894	NSC	05/17/2018	Not Printed
R277-433	Disposal of Textbooks in the Public Schools	42895	NSC	05/17/2018	Not Printed
R277-436	Gang Prevention and Intervention Programs in the Schools	42907	5YR	05/11/2018	2018-11/57
R277-436	Gang Prevention and Intervention Programs in the Schools	42916	AMD	07/09/2018	2018-11/21
R277-437	Student Enrollment Options	42896	NSC	05/17/2018	Not Printed
R277-438	Dual Enrollment	42897	NSC	05/17/2018	Not Printed
R277-444	Distribution of Money to Arts and Science Organizations	42898	NSC	05/17/2018	Not Printed
R277-445	Classifying Small Schools as Necessarily Existent	42899	NSC	05/17/2018	Not Printed
R277-454	Construction Management of School Building Projects	42900	NSC	05/17/2018	Not Printed
R277-459	Teacher Supplies and Materials Appropriation	42901	NSC	05/17/2018	Not Printed
R277-460	Distribution of Substance Abuse Prevention Account	42902	NSC	05/17/2018	Not Printed
R277-461	Elementary School Counselor Grant Program	42923	NEW	07/09/2018	2018-11/25
R277-462	Comprehensive Counseling and Guidance Program	42903	NSC	05/17/2018	Not Printed
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	42904	NSC	05/17/2018	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	42322	AMD	01/09/2018	2017-23/4
R277-469	Instructional Materials Commission Operating Procedures	43018	NSC	07/06/2018	Not Printed
R277-470	Charter Schools - General Provisions	43082	5YR	07/13/2018	Not Printed
R277-471	School Construction Oversight, Inspections, Training and Reporting	43019	NSC	07/06/2018	Not Printed
R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	43020	NSC	07/06/2018	Not Printed
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R277-480	Charter School Revolving Account	43025	NSC	07/06/2018	Not Printed
R277-481	Charter School Oversight, Monitoring and Appeals	43083	5YR	07/13/2018	Not Printed
R277-482	Charter School Timelines and Approval Processes	42610	AMD	04/09/2018	2018-5/22
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R277-486	Professional Staff Cost Program	43027	NSC	07/06/2018	Not Printed
R277-488	Critical Languages and Dual Language Immersion Program	43028	NSC	07/06/2018	Not Printed
R277-489	Kindergarten Entry and Exit Assessment - Early Intervention Program	43029	NSC	07/06/2018	Not Printed
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R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	42481	AMD	03/14/2018	2018-3/13
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R277-508	Employment of Substitute Teachers	42698	AMD	05/08/2018	2018-7/24
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R307-504	Oil and Gas Industry: Tank Truck Loading	42109	CPR	03/05/2018	2018-3/56
R307-505	Oil and Gas Industry: Registration Requirements	42110	NEW	01/26/2018	2017-19/71
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R307-506	Oil and Gas Industry: Storage Vessels	42111	CPR	03/05/2018	2018-3/58
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R307-507	Oil and Gas Industry: Dehydrators	42112	CPR	03/05/2018	2018-3/60
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R315-308	Ground Water Monitoring Requirements	42459	5YR	01/12/2018	2018-3/75
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R384-210	Co-prescription Guidelines -- Reporting	42283	CPR	06/07/2018	2018-4/70
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R746-8	Utah Universal Public Telecommunications Service Support Fund (UUSF)	42850	AMD	06/21/2018	2018-10/118
R746-8-403	Lifeline Support	42632	AMD	04/24/2018	2018-6/26
R746-110	Uncontested Matters to be Adjudicated Informally	42768	5YR	04/05/2018	2018-9/75
R746-210	Utility Service Rules Applicable Only to Electric Utilities	42767	5YR	04/05/2018	2018-9/75
R746-240	Telecommunication Service Rules	42769	5YR	04/05/2018	2018-9/76
R746-330	Rules for Water and Sewer Utilities Operating in Utah	42590	5YR	02/14/2018	2018-5/157
R746-332	Depreciation Rates for Water Utilities	42593	5YR	02/14/2018	2018-5/157
R746-340	Service Quality for Telecommunications Corporations	42770	5YR	04/05/2018	2018-9/77
R746-341	Lifeline Rule	42423	REP	02/21/2018	2018-2/24
R746-343	Rule for Deaf, Severely Hearing or Speech Impaired Person	42425	REP	02/21/2018	2018-2/28
R746-344	Filing Requirements for Telephone Corporations with Less Than 5,000 Access Line Subscribers	43056	5YR	07/03/2018	Not Printed
R746-345	Pole Attachments	43087	5YR	07/16/2018	Not Printed
R746-347	Extended Area Service (EAS)	42589	5YR	02/14/2018	2018-5/158
R746-360	Universal Public Telecommunications Service Support Fund	42426	REP	02/21/2018	2018-2/31
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	42592	5YR	02/14/2018	2018-5/158
R746-404	Regulation of Promotional Programs of Electric and Gas Public Utilities	43088	5YR	07/16/2018	Not Printed

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R746-405	Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities	42591	5YR	02/14/2018	2018-5/159
R746-406	Advertising by Electric and Gas Utilities	43089	5YR	07/16/2018	Not Printed
R746-409-1	General Provisions	42331	AMD	01/09/2018	2017-23/75
R746-500	Americans With Disabilities Act Complaint Procedure	43090	5YR	07/16/2018	Not Printed
R746-600	Postretirement Benefits other than Pensions	43091	5YR	07/16/2018	Not Printed

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R765-254	Secure Area Hearing Rooms	42867	EXD	05/01/2018	2018-10/159
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise	42868	EXD	05/01/2018	2018-10/159
R765-605	Higher Education Success Stipend Program	42789	5YR	04/11/2018	2018-9/77
R765-605	Higher Education Success Stipend Program	42722	NSC	04/12/2018	Not Printed

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R805-1	Operating Regulations for Bicycles, Skateboards, Rollerskates and Scooters (Non-Motorized Riding Devices)	42617	5YR	02/22/2018	2018-6/50
R805-2	Government Records Access and Management Act Procedures	43024	5YR	06/26/2018	2018-14/58

University of Utah, Commuter Services

R810-1	University of Utah Parking Regulations	42512	NEW	04/05/2018	2018-4/60
R810-8	Vendor Regulations	42513	NEW	04/05/2018	2018-4/62

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R850-50	Range Management	42677	AMD	05/08/2018	2018-7/139

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R856-2	USTAR University-Industry Partnership Program Grants	42357	R&R	01/23/2018	2017-24/28
R856-3	USTAR University Technology Acceleration Grants	42359	R&R	01/23/2018	2017-24/36
R856-4	USTAR Science Technology Initiation Grant	42358	R&R	01/23/2018	2017-24/41
R856-5	Utah Science, Technology, and Research (USTAR) Energy Research Triangle Professors (ERT-P) Grant	42356	R&R	01/23/2018	2017-24/48
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R895-12	Telecommunications Services and Requirements	42529	EMR	01/30/2018	2018-4/92

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R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	42336	AMD	01/24/2018	2017-24/60

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R916-2	Prequalification of Contractors	42690	AMD	05/09/2018	2018-7/148
R916-4	Construction Manager/General Contractor Contracts	42616	AMD	04/23/2018	2018-6/28

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R920-6	Snow Tire and Chain Requirements	42689	AMD	05/08/2018	2018-7/151
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Administration

R982-800	Utah Data Research Center	42421	NEW	03/01/2018	2018-2/38
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R986-700	Child Care Assistance	42855	AMD	07/01/2018	2018-10/130

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R994-202	Employing Units	42736	5YR	03/29/2018	2018-8/157
R994-208	Wages	42737	5YR	03/29/2018	2018-8/158
R994-306	Charging Benefit Costs to Employers	42738	5YR	03/29/2018	2018-8/158
R994-307	Social Costs -- Relief of Charges	42739	5YR	03/29/2018	2018-8/159
R994-315	Centralized New Hire Registry Reporting	42740	5YR	03/29/2018	2018-8/159
R994-403	Claim for Benefits	42741	5YR	03/29/2018	2018-8/160
R994-405	Ineligibility for Benefits	42742	5YR	03/29/2018	2018-8/161
R994-405	Ineligibility for Benefits	42861	AMD	06/21/2018	2018-10/144
R994-508	Appeal Procedures	42743	5YR	03/29/2018	2018-8/161

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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abusive conduct</u>					
Education, Administration	42921	R277-613	R&R	07/09/2018	2018-11/27
Human Resource Management, Administration	42821	R477-16	AMD	07/01/2018	2018-10/94
<u>accountability</u>					
Education, Administration	42755	R277-109	NSC	04/12/2018	Not Printed

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<u>accreditation</u>					
Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed
	43050	R277-505	NSC	07/06/2018	Not Printed
<u>acquit</u>					
Pardons (Board Of), Administration	42586	R671-519	5YR	02/13/2018	2018-5/155
<u>activities</u>					
Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed
<u>acupuncture</u>					
Commerce, Occupational and Professional Licensing	42338	R156-72	AMD	01/23/2018	2017-24/11
<u>ADAP</u>					
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
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Environmental Quality, Air Quality	42653	R307-342	5YR	03/08/2018	2018-7/170
<u>adjudicative procedures</u>					
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<u>adjudicative proceedings</u>					
Environmental Quality, Water Quality	42509	R317-9	5YR	01/24/2018	2018-4/95
Public Safety, Driver License	42865	R708-14-9	LNR	05/01/2018	2018-10/161
<u>administrative law judges</u>					
Human Resource Management, Administration	42822	R477-101	AMD	07/01/2018	2018-10/96
<u>administrative necessary proceedings</u>					
Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
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Commerce, Occupational and Professional Licensing	42428	R156-46b-401	NSC	01/18/2018	Not Printed
Education, Administration	42751	R277-102	NSC	04/12/2018	Not Printed
Human Resource Management, Administration	42820	R477-12	AMD	07/01/2018	2018-10/92
	42821	R477-16	AMD	07/01/2018	2018-10/94
Labor Commission, Industrial Accidents	42561	R612-100	5YR	02/08/2018	2018-5/148
	42786	R612-100-4	AMD	06/07/2018	2018-9/66
Natural Resources, Forestry, Fire and State Lands	42977	R652-7	5YR	06/11/2018	2018-13/152
School and Institutional Trust Lands, Administration	42678	R850-40	AMD	05/08/2018	2018-7/137
	42677	R850-50	AMD	05/08/2018	2018-7/139
<u>administrative proceedings</u>					
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Human Resource Management, Administration	42811	R477-2	AMD	07/01/2018	2018-10/57
<u>administrative rules</u>					
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Education, Administration	42394	R277-705	AMD	02/28/2018	2018-1/5
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Commerce, Consumer Protection	42841	R152-39	NSC	04/26/2018	Not Printed
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<u>aerospace</u>					
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	42666	R307-355	5YR	03/08/2018	2018-7/177

	42370	R307-355-3	AMD	03/08/2018	2018-1/10
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	42652	R307-312	5YR	03/08/2018	2018-7/169
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	42546	R307-102	EXT	01/31/2018	2018-4/111
	42639	R307-102	5YR	03/08/2018	2018-7/161
	42640	R307-107	5YR	03/08/2018	2018-7/162
	42673	R307-110-12	AMD	06/07/2018	2018-7/49
	42548	R307-115	EXT	01/31/2018	2018-4/111
	42641	R307-115	5YR	03/08/2018	2018-7/163
	42642	R307-123	5YR	03/08/2018	2018-7/163
	42107	R307-150	AMD	03/05/2018	2017-19/55
	42107	R307-150	CPR	03/05/2018	2018-3/46
	42550	R307-170	EXT	01/31/2018	2018-4/111
	42643	R307-170	5YR	03/08/2018	2018-7/164
	42644	R307-208	5YR	03/08/2018	2018-7/164
	42434	R307-210	AMD	05/23/2018	2018-3/29
	42435	R307-214	AMD	05/23/2018	2018-3/30
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	42552	R307-221	EXT	01/31/2018	2018-4/112
	42646	R307-221	5YR	03/08/2018	2018-7/166
	42532	R307-222	EXT	01/31/2018	2018-4/112
	42647	R307-222	5YR	03/08/2018	2018-7/166
	42533	R307-223	EXT	01/31/2018	2018-4/112
	42648	R307-223	5YR	03/08/2018	2018-7/167
	42534	R307-224	EXT	01/31/2018	2018-4/112
	42649	R307-224	5YR	03/08/2018	2018-7/167
	42535	R307-250	EXT	01/31/2018	2018-4/113
	42650	R307-250	5YR	03/08/2018	2018-7/168
	42536	R307-312	EXT	01/31/2018	2018-4/113
	42652	R307-312	5YR	03/08/2018	2018-7/169
	42653	R307-342	5YR	03/08/2018	2018-7/170
	42938	R307-343-4	NSC	06/12/2018	Not Printed
	42538	R307-345	EXT	01/31/2018	2018-4/113
	42655	R307-345	5YR	03/08/2018	2018-7/171
	42539	R307-346	EXT	01/31/2018	2018-4/114
	42656	R307-346	5YR	03/08/2018	2018-7/171
	42541	R307-347	EXT	01/31/2018	2018-4/114
	42657	R307-347	5YR	03/08/2018	2018-7/172
	42543	R307-348	EXT	01/31/2018	2018-4/114
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	42540	R307-349	EXT	01/31/2018	2018-4/114
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	42542	R307-350	EXT	01/31/2018	2018-4/114
	42661	R307-350	5YR	03/08/2018	2018-7/174
	42544	R307-351	EXT	01/31/2018	2018-4/115
	42662	R307-351	5YR	03/08/2018	2018-7/174
	42545	R307-352	EXT	01/31/2018	2018-4/115
	42663	R307-352	5YR	03/08/2018	2018-7/175
	42664	R307-353	5YR	03/08/2018	2018-7/176
	42547	R307-354	EXT	01/31/2018	2018-4/115
	42665	R307-354	5YR	03/08/2018	2018-7/176
	42549	R307-355	EXT	01/31/2018	2018-4/115
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	42108	R307-401	AMD	03/05/2018	2017-19/58
	42108	R307-401	CPR	03/05/2018	2018-3/49
	42574	R307-401	NSC	03/05/2018	Not Printed
	42109	R307-504	AMD	03/05/2018	2017-19/70
	42109	R307-504	CPR	03/05/2018	2018-3/56
	42110	R307-505	NEW	01/26/2018	2017-19/71
	42111	R307-506	NEW	03/05/2018	2017-19/73
	42111	R307-506	CPR	03/05/2018	2018-3/58
	42112	R307-507	NEW	03/05/2018	2017-19/75
	42112	R307-507	CPR	03/05/2018	2018-3/60
	42113	R307-508	NEW	03/05/2018	2017-19/77
	42113	R307-508	CPR	03/05/2018	2018-3/62
	42114	R307-509	NEW	03/05/2018	2017-19/79
	42114	R307-509	CPR	03/05/2018	2018-3/63
	42115	R307-510	NEW	03/05/2018	2017-19/81
	42115	R307-510	CPR	03/05/2018	2018-3/65
	42858	R307-510	NSC	05/14/2018	Not Printed
	42551	R307-801	EXT	01/31/2018	2018-4/115
	42669	R307-801	5YR	03/08/2018	2018-7/179
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	43008	R25-7-6	NSC	07/03/2018	Not Printed
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	43058	R81-4D	5YR	07/03/2018	Not Printed
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	42671	R434-150	NSC	04/14/2018	Not Printed
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<u>applications</u>						
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	42488	R414-308-3	EMR	01/19/2018	2018-4/87	
	42628	R414-308-3	AMD	05/08/2018	2018-6/17	
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	42574	R307-401	NSC	03/05/2018	Not Printed	
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	43030	R277-490	NSC	07/06/2018	Not Printed	
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	42850	R746-8	AMD	06/21/2018	2018-10/118	
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	42845	R495-885	EMR	04/23/2018	2018-10/149
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Education, Administration	42897	R277-438	NSC	05/17/2018	Not Printed	
<u>dual language immersion</u>						
Education, Administration	43028	R277-488	NSC	07/06/2018	Not Printed	
<u>e-mail</u>						
Commerce, Consumer Protection	42841	R152-39	NSC	04/26/2018	Not Printed	
<u>early intervention</u>						
Education, Administration	43029	R277-489	NSC	07/06/2018	Not Printed	
Health, Family Health and Preparedness, Children with Special Health Care Needs	43054	R398-20	5YR	07/02/2018	2018-14/51	
<u>economic development</u>						
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47	
	42922	R357-5	AMD	07/09/2018	2018-11/37	
<u>education</u>						
Commerce, Consumer Protection	42839	R152-34	NSC	04/26/2018	Not Printed	
Education, Administration	42883	R277-407	NSC	05/17/2018	Not Printed	
	42892	R277-422	NSC	05/17/2018	Not Printed	
	43082	R277-470	5YR	07/13/2018	Not Printed	
	42619	R277-709	5YR	02/26/2018	2018-6/48	
	42613	R277-709	AMD	04/09/2018	2018-5/34	
Health, Family Health and Preparedness, Children with Special Health Care Needs	43054	R398-20	5YR	07/02/2018	2018-14/51	

<u>education finance</u>					
Education, Administration	42889	R277-419	NSC	05/17/2018	Not Printed
	42890	R277-420	NSC	05/17/2018	Not Printed
	42893	R277-424	NSC	05/17/2018	Not Printed
	42894	R277-426	NSC	05/17/2018	Not Printed
	42900	R277-454	NSC	05/17/2018	Not Printed
<u>educational administration</u>					
Education, Administration	42609	R277-116	AMD	04/09/2018	2018-5/14
<u>educational facilities</u>					
Education, Administration	42899	R277-445	NSC	05/17/2018	Not Printed
	42900	R277-454	NSC	05/17/2018	Not Printed
	43019	R277-471	NSC	07/06/2018	Not Printed
<u>educational policy</u>					
Regents (Board Of), Administration	42868	R765-555	EXD	05/01/2018	2018-10/159
<u>educational program evaluations</u>					
Education, Administration	43051	R277-506	NSC	07/06/2018	Not Printed
<u>educational tuition</u>					
Human Resource Management, Administration	42818	R477-10	AMD	07/01/2018	2018-10/87
<u>educator licenses</u>					
Education, Administration	42775	R277-214	NSC	04/13/2018	Not Printed
<u>educator licensing</u>					
Education, Administration	42697	R277-502	AMD	05/08/2018	2018-7/19
	43051	R277-506	NSC	07/06/2018	Not Printed
	42618	R277-518	5YR	02/26/2018	2018-6/47
<u>educator licensure</u>					
Education, Administration	43049	R277-507	NSC	07/06/2018	Not Printed
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Education, Administration	42756	R277-110	NSC	04/12/2018	Not Printed
	42771	R277-210	NSC	04/13/2018	Not Printed
	42773	R277-212	NSC	04/13/2018	Not Printed
	42776	R277-215	NSC	04/13/2018	Not Printed
	42777	R277-216	NSC	04/13/2018	Not Printed
	43034	R277-498	NSC	07/06/2018	Not Printed
	42324	R277-515	AMD	01/09/2018	2017-23/11
	42439	R277-530-3	NSC	01/25/2018	Not Printed
	42806	R277-533	AMD	06/07/2018	2018-9/23
<u>effective date</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	2018-3/86
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	42780	R277-122	NSC	04/13/2018	Not Printed
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	42645	R307-220	5YR	03/08/2018	2018-7/165	
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Public Service Commission, Administration	42767	R746-210	5YR	04/05/2018	2018-9/75	
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Commerce, Occupational and Professional Licensing	42429	R156-55b-102	NSC	01/18/2018	Not Printed	
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<u>electronic funds transfer</u>						
Human Services, Recovery Services	42638	R527-303	NEW	05/08/2018	2018-7/134	
	42720	R527-920	5YR	03/23/2018	2018-8/156	
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Agriculture and Food, Conservation Commission	42944	R64-2	5YR	06/01/2018	2018-12/43	
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	42628	R414-308-3	AMD	05/08/2018	2018-6/17	
	42489	R414-311	EMR	01/19/2018	2018-4/90	
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	42556	R426-3	AMD	04/19/2018	2018-4/50	
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	42660	R307-349	5YR	03/08/2018	2018-7/173
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	42661	R307-350	5YR	03/08/2018	2018-7/174
	42545	R307-352	EXT	01/31/2018	2018-4/115
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	42114	R307-509	CPR	03/05/2018	2018-3/63
	42115	R307-510	NEW	03/05/2018	2017-19/81
	42115	R307-510	CPR	03/05/2018	2018-3/65
	42858	R307-510	NSC	05/14/2018	Not Printed
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	42641	R307-115	5YR	03/08/2018	2018-7/163
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	42824	R315-262-17	NSC	05/03/2018	Not Printed
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	42956	R277-406	5YR	06/07/2018	2018-13/139
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	42394	R277-705	AMD	02/28/2018	2018-1/5
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	42880	R277-402	NSC	05/17/2018	Not Printed
	42471	R277-490	5YR	01/12/2018	2018-3/70
	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
	43034	R277-498	NSC	07/06/2018	Not Printed
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	42633	R357-16	NSC	03/14/2018	Not Printed
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	42662	R307-351	5YR	03/08/2018	2018-7/174
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	42108	R307-401	CPR	03/05/2018	2018-3/49
	42574	R307-401	NSC	03/05/2018	Not Printed
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	42820	R477-12	AMD	07/01/2018	2018-10/92
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	42824	R315-262-17	NSC	05/03/2018	Not Printed
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	42525	R432-6	5YR	01/29/2018	2018-4/100
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Commerce, Consumer Protection	42839	R152-34	NSC	04/26/2018	Not Printed	
<u>postsecondary schools</u>						
Commerce, Consumer Protection	42840	R152-34a	NSC	04/26/2018	Not Printed	
<u>POTW</u>						
Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96	
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Environmental Quality, Air Quality	42653	R307-342	5YR	03/08/2018	2018-7/170	
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	42662	R307-351	5YR	03/08/2018	2018-7/174	
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Human Services, Administration	42766	R495-881	5YR	04/02/2018	2018-8/156	
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Natural Resources, Parks and Recreation	42723	R651-103	NEW	05/22/2018	2018-8/142
Public Service Commission, Administration	42767	R746-210	5YR	04/05/2018	2018-9/75
	42769	R746-240	5YR	04/05/2018	2018-9/76
	42770	R746-340	5YR	04/05/2018	2018-9/77
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Education, Administration	42753	R277-106	NSC	04/12/2018	Not Printed
	42697	R277-502	AMD	05/08/2018	2018-7/19
	43050	R277-505	NSC	07/06/2018	Not Printed
	43051	R277-506	NSC	07/06/2018	Not Printed
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24
	42325	R277-519	AMD	01/09/2018	2017-23/16
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	42618	R277-518	5YR	02/26/2018	2018-6/47
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Education, Administration	42753	R277-106	NSC	04/12/2018	Not Printed
	42771	R277-210	NSC	04/13/2018	Not Printed
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Public Service Commission, Administration	43088	R746-404	5YR	07/16/2018	Not Printed
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	42628	R414-308-3	AMD	05/08/2018	2018-6/17
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	42896	R277-437	NSC	05/17/2018	Not Printed
	42897	R277-438	NSC	05/17/2018	Not Printed

	42903	R277-462	NSC	05/17/2018	Not Printed
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	42857	R277-113	NEW	06/22/2018	2018-10/28
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	42685	R392-102	NEW	05/18/2018	2018-7/97
	42732	R392-200	AMD	05/31/2018	2018-8/51
	42516	R392-300	R&R	03/26/2018	2018-4/4
	42514	R392-401	R&R	03/26/2018	2018-4/27
	42731	R392-402	R&R	05/24/2018	2018-8/89
	42515	R392-502	R&R	03/26/2018	2018-4/31
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	42886	R277-412	NSC	05/17/2018	Not Printed
	42907	R277-436	5YR	05/11/2018	2018-11/57
	42916	R277-436	AMD	07/09/2018	2018-11/21
	42902	R277-460	NSC	05/17/2018	Not Printed
	42471	R277-490	5YR	01/12/2018	2018-3/70
	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
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	42590	R746-330	5YR	02/14/2018	2018-5/157
	42593	R746-332	5YR	02/14/2018	2018-5/157
	43056	R746-344	5YR	07/03/2018	Not Printed
	43087	R746-345	5YR	07/16/2018	Not Printed
	42589	R746-347	5YR	02/14/2018	2018-5/158
	42426	R746-360	REP	02/21/2018	2018-2/31
	42592	R746-402	5YR	02/14/2018	2018-5/158
	43088	R746-404	5YR	07/16/2018	Not Printed
	42591	R746-405	5YR	02/14/2018	2018-5/159
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	43091	R746-600	5YR	07/16/2018	Not Printed
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	42739	R994-307	5YR	03/29/2018	2018-8/159	
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	42497	R645-102	5YR	01/24/2018	2018-4/103	
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	42514	R392-401	R&R	03/26/2018	2018-4/27	
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	42839	R152-34	NSC	04/26/2018	Not Printed	
	42843	R152-49	NSC	04/26/2018	Not Printed	
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	42879	R277-401	NSC	05/17/2018	Not Printed	
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	42423	R746-341	REP	02/21/2018	2018-2/24	
	43056	R746-344	5YR	07/03/2018	Not Printed	
	43087	R746-345	5YR	07/16/2018	Not Printed	
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	42899	R277-445	NSC	05/17/2018	Not Printed
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Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35

<u>sewage treatment</u>						
Environmental Quality, Water Quality	42705	R317-101	5YR	03/20/2018	2018-8/147	
<u>sewerage</u>						
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	2018-5/157	
<u>sexual assault kit analysis</u>						
Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82	
<u>sexual assault kits</u>						
Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82	
<u>shorthand reporter</u>						
Commerce, Occupational and Professional Licensing	42847	R156-74	5YR	04/24/2018	2018-10/156	
<u>skateboards</u>						
Regents (Board Of), University of Utah, Administration	42617	R805-1	5YR	02/22/2018	2018-6/50	
<u>SNAP</u>						
Workforce Services, Employment Development	42693	R986-600	AMD	05/08/2018	2018-7/154	
<u>snow</u>						
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151	
<u>sober living</u>						
Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136	
<u>social security numbers</u>						
Human Services, Services for People with Disabilities	42560	R539-1	NSC	03/01/2018	Not Printed	
	42926	R539-1	NSC	06/01/2018	Not Printed	
<u>social services</u>						
Human Services, Child and Family Services	42597	R512-200	5YR	02/15/2018	2018-5/143	
	42598	R512-201	5YR	02/15/2018	2018-5/144	
	42599	R512-202	5YR	02/15/2018	2018-5/144	
	42600	R512-300	5YR	02/15/2018	2018-5/145	
	42601	R512-301	5YR	02/15/2018	2018-5/145	
	42603	R512-305	5YR	02/15/2018	2018-5/146	
<u>software</u>						
Education, Administration	43033	R277-496	NSC	07/06/2018	Not Printed	
<u>solicitations</u>						
Commerce, Consumer Protection	42835	R152-22	NSC	04/26/2018	Not Printed	
<u>solid waste disposal</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71	
	42455	R315-304	5YR	01/12/2018	2018-3/73	
	42456	R315-305	5YR	01/12/2018	2018-3/74	
<u>solid waste management</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71	
	42453	R315-302	5YR	01/12/2018	2018-3/72	
	42454	R315-303	5YR	01/12/2018	2018-3/72	
	42455	R315-304	5YR	01/12/2018	2018-3/73	
	42456	R315-305	5YR	01/12/2018	2018-3/74	
	42457	R315-306	5YR	01/12/2018	2018-3/74	
	42458	R315-307	5YR	01/12/2018	2018-3/75	
	42459	R315-308	5YR	01/12/2018	2018-3/75	
	42460	R315-309	5YR	01/12/2018	2018-3/76	
	42461	R315-310	5YR	01/12/2018	2018-3/77	
	42462	R315-311	5YR	01/12/2018	2018-3/77	
	42463	R315-312	5YR	01/12/2018	2018-3/78	

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	42464	R315-313	5YR	01/12/2018	2018-3/79
	42465	R315-314	5YR	01/12/2018	2018-3/79
	42466	R315-315	5YR	01/12/2018	2018-3/80
	42467	R315-316	5YR	01/12/2018	2018-3/80
	42468	R315-317	5YR	01/12/2018	2018-3/81
	42469	R315-318	5YR	01/12/2018	2018-3/82
	42470	R315-320	5YR	01/12/2018	2018-3/82
<u>solid waste permit</u>					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	2018-3/72
<u>spas</u>					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
<u>special educators</u>					
Education, Administration	42957	R277-525	5YR	06/07/2018	2018-13/139
<u>speech/hearing assistance</u>					
Public Service Commission, Administration	42425	R746-343	REP	02/21/2018	2018-2/28
<u>speech/hearing challenges</u>					
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
	42850	R746-8	AMD	06/21/2018	2018-10/118
<u>sportsmen</u>					
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
<u>standards</u>					
Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
	42439	R277-530-3	NSC	01/25/2018	Not Printed
	42482	R277-700	AMD	03/14/2018	2018-3/16
Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
	42710	R436-10	5YR	03/20/2018	2018-8/152
	42714	R436-12	5YR	03/21/2018	2018-8/153
	42715	R436-13	5YR	03/21/2018	2018-8/153
<u>State Board of Education</u>					
Education, Administration	42759	R277-119	NSC	04/12/2018	Not Printed
<u>State Capitol visits</u>					
Education, Administration	42886	R277-412	NSC	05/17/2018	Not Printed
<u>state employees</u>					
Administrative Services, Finance	42570	R25-5	5YR	02/08/2018	2018-5/141
	42572	R25-7	5YR	02/08/2018	2018-5/142
	42854	R25-7	AMD	06/21/2018	2018-10/9
	43008	R25-7-6	NSC	07/03/2018	Not Printed
	42573	R25-8	5YR	02/08/2018	2018-5/142
Human Resource Management, Administration	42813	R477-5	AMD	07/01/2018	2018-10/63
<u>state hospital</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
	42557	R525-6	NSC	03/01/2018	Not Printed
<u>state residency</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
<u>stationary sources</u>					
Environmental Quality, Air Quality	42434	R307-210	AMD	05/23/2018	2018-3/29

<u>stipends</u>						
Education, Administration	42957	R277-525	5YR	06/07/2018	2018-13/139	
<u>stoves</u>						
Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59	
	42667	R307-356	5YR	03/08/2018	2018-7/177	
<u>structures</u>						
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53	
<u>student</u>						
Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed	
<u>student achievements</u>						
Education, Administration	42479	R277-404	AMD	03/14/2018	2018-3/5	
<u>student eligibility</u>						
Workforce Services, Unemployment Insurance	42741	R994-403	5YR	03/29/2018	2018-8/160	
<u>student participation</u>						
Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed	
<u>student teachers</u>						
Education, Administration	43052	R277-509	NSC	07/06/2018	Not Printed	
<u>students</u>						
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed	
	42881	R277-403	NSC	05/17/2018	Not Printed	
	42887	R277-417	NSC	05/17/2018	Not Printed	
	43020	R277-472	NSC	07/06/2018	Not Printed	
	43026	R277-485	NSC	07/06/2018	Not Printed	
	43085	R277-619	5YR	07/13/2018	Not Printed	
	42326	R277-621	NEW	01/09/2018	2017-23/17	
	42619	R277-709	5YR	02/26/2018	2018-6/48	
	42613	R277-709	AMD	04/09/2018	2018-5/34	
	42484	R277-717	AMD	03/14/2018	2018-3/26	
	42801	R277-801	AMD	06/07/2018	2018-9/35	
<u>students at risk</u>						
Education, Administration	42907	R277-436	5YR	05/11/2018	2018-11/57	
	42916	R277-436	AMD	07/09/2018	2018-11/21	
	42483	R277-708	AMD	03/14/2018	2018-3/23	
<u>students with disabilities</u>						
Education, Administration	43023	R277-479	NSC	07/06/2018	Not Printed	
<u>substance abuse prevention</u>						
Education, Administration	42902	R277-460	NSC	05/17/2018	Not Printed	
<u>suggestions</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89	
<u>sulfur dioxide</u>						
Environmental Quality, Air Quality	42535	R307-250	EXT	01/31/2018	2018-4/113	
	42650	R307-250	5YR	03/08/2018	2018-7/168	
<u>supervision</u>						
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7	
<u>supplementals</u>						
Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18	
<u>supplies</u>						
Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed	

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Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
	42850	R746-8	AMD	06/21/2018	2018-10/118

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Environmental Quality, Air Quality	42539	R307-346	EXT	01/31/2018	2018-4/114
	42656	R307-346	5YR	03/08/2018	2018-7/171
	42541	R307-347	EXT	01/31/2018	2018-4/114
	42657	R307-347	5YR	03/08/2018	2018-7/172
	42543	R307-348	EXT	01/31/2018	2018-4/114
	42659	R307-348	5YR	03/08/2018	2018-7/172

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Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142
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School and Institutional Trust Lands, Administration	42678	R850-40	AMD	05/08/2018	2018-7/137
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Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
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Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97
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Targeted Adult Medicaid

Health, Health Care Financing, Coverage and Reimbursement Policy	42489	R414-311	EMR	01/19/2018	2018-4/90
	42629	R414-311	NEW	05/08/2018	2018-6/20

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Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	2018-5/159
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tax credit

Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47
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taxes

Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90
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teacher certification

Education, Administration	43050	R277-505	NSC	07/06/2018	Not Printed
	42325	R277-519	AMD	01/09/2018	2017-23/16

teacher licensing

Education, Administration	42772	R277-211	NSC	04/13/2018	Not Printed
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teacher preparation programs

Education, Administration	43052	R277-509	NSC	07/06/2018	Not Printed
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teachers

Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24

technology

Education, Administration	43084	R277-492	5YR	07/13/2018	Not Printed
	42958	R277-617	5YR	06/07/2018	2018-13/140

Technology Acceleration Program (TAP) grants

Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
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technology readiness level (TRL)

Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
	42357	R856-2	R&R	01/23/2018	2017-24/28

	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
<u>telecommunications</u>					
Public Service Commission, Administration	42769	R746-240	5YR	04/05/2018	2018-9/76
	42770	R746-340	5YR	04/05/2018	2018-9/77
	42423	R746-341	REP	02/21/2018	2018-2/24
	42425	R746-343	REP	02/21/2018	2018-2/28
	43056	R746-344	5YR	07/03/2018	Not Printed
	43087	R746-345	5YR	07/16/2018	Not Printed
	42589	R746-347	5YR	02/14/2018	2018-5/158
	42426	R746-360	REP	02/21/2018	2018-2/31
Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117
	42529	R895-12	EMR	01/30/2018	2018-4/92
<u>telecommuting</u>					
Human Resource Management, Administration	42816	R477-8	AMD	07/01/2018	2018-10/79
<u>telephone utility regulation</u>					
Public Service Commission, Administration	43087	R746-345	5YR	07/16/2018	Not Printed
<u>telephone utility regulations</u>					
Public Service Commission, Administration	42770	R746-340	5YR	04/05/2018	2018-9/77
<u>telephones</u>					
Commerce, Consumer Protection	42837	R152-26	NSC	04/26/2018	Not Printed
Public Service Commission, Administration	42769	R746-240	5YR	04/05/2018	2018-9/76
	42423	R746-341	REP	02/21/2018	2018-2/24
<u>temporary identification card</u>					
Public Safety, Driver License	42980	R708-49	5YR	06/13/2018	2018-13/153
<u>terminally ill</u>					
Corrections, Administration	42637	R251-114	5YR	03/07/2018	2018-7/161
<u>textbooks</u>					
Education, Administration	42895	R277-433	NSC	05/17/2018	Not Printed
<u>third party liability</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
<u>time</u>					
Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
<u>timelines</u>					
Education, Administration	42610	R277-482	AMD	04/09/2018	2018-5/22
<u>timeliness</u>					
Pardons (Board Of), Administration	42581	R671-515	5YR	02/13/2018	2018-5/153
<u>tires</u>					
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151
<u>title insurance</u>					
Insurance, Title and Escrow Commission	43068	R592-10	5YR	07/10/2018	Not Printed
<u>TMDL</u>					
Environmental Quality, Water Quality	42692	R317-1-7	AMD	05/24/2018	2018-7/56
<u>tobacco</u>					
Health, Disease Control and Prevention, Health Promotion	42870	R384-324	NEW	07/09/2018	2018-10/42

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<u>tobacco retailers</u>						
Health, Disease Control and Prevention, Health Promotion	42870	R384-324	NEW	07/09/2018	2018-10/42	
<u>tow trucks</u>						
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60	
<u>towing</u>						
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60	
<u>traction devices</u>						
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151	
<u>training</u>						
Education, Administration	42610	R277-482	AMD	04/09/2018	2018-5/22	
	42921	R277-613	R&R	07/09/2018	2018-11/27	
<u>training programs</u>						
Human Resource Management, Administration	42818	R477-10	AMD	07/01/2018	2018-10/87	
<u>transfers</u>						
Education, Administration	43020	R277-472	NSC	07/06/2018	Not Printed	
<u>Transition to Adult Living</u>						
Human Services, Child and Family Services	42603	R512-305	5YR	02/15/2018	2018-5/146	
<u>transportation</u>						
Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	2018-5/142	
	42854	R25-7	AMD	06/21/2018	2018-10/9	
Environmental Quality, Waste Management and Radiation Control, Radiation	42798	R313-37-3	AMD	07/13/2018	2018-9/59	
Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102	
Transportation, Operations, Construction	42616	R916-4	AMD	04/23/2018	2018-6/28	
<u>transportation safety</u>						
Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63	
<u>trauma-informed practice</u>						
Education, Administration	42923	R277-461	NEW	07/09/2018	2018-11/25	
<u>treatment and care</u>						
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28	
<u>trespass</u>						
Natural Resources, Parks and Recreation	42986	R651-620	5YR	06/13/2018	2018-13/151	
<u>trucks</u>						
Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63	
<u>trust lands funds</u>						
Education, Administration	42800	R277-477	AMD	06/07/2018	2018-9/13	
<u>TSSP</u>						
Education, Administration	42804	R277-523	NEW	06/07/2018	2018-9/21	
<u>tuition</u>						
Education, Administration	42891	R277-421	NSC	05/17/2018	Not Printed	
<u>ultraviolet light safety</u>						
Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97	
<u>unavoidable breakdown</u>						
Environmental Quality, Air Quality	42640	R307-107	5YR	03/08/2018	2018-7/162	

<u>unemployment compensation</u>						
Workforce Services, Unemployment Insurance	42735	R994-201	5YR	03/29/2018	2018-8/157	
	42736	R994-202	5YR	03/29/2018	2018-8/157	
	42737	R994-208	5YR	03/29/2018	2018-8/158	
	42738	R994-306	5YR	03/29/2018	2018-8/158	
	42739	R994-307	5YR	03/29/2018	2018-8/159	
	42741	R994-403	5YR	03/29/2018	2018-8/160	
	42742	R994-405	5YR	03/29/2018	2018-8/161	
	42861	R994-405	AMD	06/21/2018	2018-10/144	
	42743	R994-508	5YR	03/29/2018	2018-8/161	
<u>unfair marketing practices</u>						
Insurance, Administration	42687	R590-154	5YR	03/14/2018	2018-7/180	
<u>universal health insurance application</u>						
Insurance, Administration	42984	R590-247	5YR	06/13/2018	2018-13/142	
<u>universal service fund</u>						
Public Service Commission, Administration	42426	R746-360	REP	02/21/2018	2018-2/31	
<u>University Technology Acceleration Grants (UTAG)</u>						
Science Technology and Research Governing Authority, Administration	42359	R856-3	R&R	01/23/2018	2017-24/36	
<u>UPPAC</u>						
Education, Administration	42777	R277-216	NSC	04/13/2018	Not Printed	
<u>used oil</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	42451	R315-15	AMD	04/19/2018	2018-3/35	
	42615	R315-15-5	NSC	03/14/2018	Not Printed	
<u>USTAR</u>						
Education, Administration	43084	R277-492	5YR	07/13/2018	Not Printed	
<u>Utah Data Research Center</u>						
Workforce Services, Administration	42421	R982-800	NEW	03/01/2018	2018-2/38	
<u>Utah Indigent Defense Commission</u>						
Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14	
<u>Utah Science Technology and Research (USTAR)</u>						
Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22	
	42357	R856-2	R&R	01/23/2018	2017-24/28	
	42359	R856-3	R&R	01/23/2018	2017-24/36	
	42358	R856-4	R&R	01/23/2018	2017-24/41	
	42356	R856-5	R&R	01/23/2018	2017-24/48	
	42355	R856-6	R&R	01/23/2018	2017-24/54	
<u>Utah State Board of Education</u>						
Education, Administration	42761	R277-121	NSC	04/12/2018	Not Printed	
<u>Utah universal service fund</u>						
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18	
	42850	R746-8	AMD	06/21/2018	2018-10/118	
<u>utility regulations</u>						
Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	2018-5/159	
<u>vacations</u>						
Human Resource Management, Administration	42815	R477-7	AMD	07/01/2018	2018-10/71	
<u>variances</u>						
Environmental Quality, Air Quality	42546	R307-102	EXT	01/31/2018	2018-4/111	
	42639	R307-102	5YR	03/08/2018	2018-7/161	

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<u>vending machines</u>					
Education, Administration	42620	R277-719	5YR	02/26/2018	2018-6/48
	42614	R277-719	AMD	04/09/2018	2018-5/39
<u>victims of crimes</u>					
Pardons (Board Of), Administration	42297	R671-203	AMD	01/08/2018	2017-22/78
<u>vinyl coating</u>					
Environmental Quality, Air Quality	42538	R307-345	EXT	01/31/2018	2018-4/113
	42655	R307-345	5YR	03/08/2018	2018-7/171
<u>vision evaluations</u>					
Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	2018-5/161
	42951	R384-201	5YR	06/07/2018	2018-13/141
<u>visitors</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	42475	R525-4	5YR	01/16/2018	2018-3/88
<u>vital statistics</u>					
Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
	42706	R436-2	5YR	03/20/2018	2018-8/149
	42707	R436-3	5YR	03/20/2018	2018-8/150
	42708	R436-4	5YR	03/20/2018	2018-8/150
	42713	R436-7	5YR	03/21/2018	2018-8/151
	42709	R436-8	5YR	03/20/2018	2018-8/151
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