UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT Filed May 17, 2022, 12:00 a.m. through June 01, 2022, 11:59 p.m.

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Nancy L. Lancaster, Managing Editor

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

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at https://rules.utah.gov/.

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

Office of Administrative Rules, Salt Lake City 84114

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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 <u>May 17, 2022, 12:00 a.m.</u>, and <u>June 01, 2022, 11:59 p.m.</u> are included in this, the <u>June 15, 2022</u>, 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 (<u>example</u>). 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 <u>July 15, 2022</u>. 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 <u>October 13, 2022</u>, 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** or 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

NOTICE OF PROPOSED RULE

TYPE OF RULE: Ar	mendment	
Utah Admin. Code Ref (R no.):	R27-1	Filing ID 54618

Agency Information

0 ,			
1. Department:	Government Operations		
Agency:	Fleet Op	perations	
Room no.:	3rd Floo	r	
Building:	Taylorsv	ille State Office Building	
Street address:	4315 S 2700 W		
City, state and zip:	Taylorsville, UT 84129		
Contact person(s):			
Name:	Phone:	Email:	
Cory Weeks	801- 957- 7261	coryweeks@utah.gov	
Please address d	uestions	regarding information on this	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R27-1. Definitions

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Correcting two definitions that reference a five day rule exception for a fleet vehicle home. IRS only allows one day per month.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Modifies the number of days an individual may drive a fleet vehicle home from five days per month to one day per month. Also modifies the authoritative reference from an IRS publication to the underlying federal register.

(EDITOR'S NOTE: A corresponding 120-day emergency rule change to Rule R27-1, that is effective as of 05/17/2022, is under ID 54620 in this issue, June 15, 2022, of the Bulletin.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

No costs or savings are anticipated on state budgets because the only impact is to affected persons.

B) Loo	cal gov	ernmen	ts:
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No costs or savings are anticipated to local governments because the only impact is to affected persons.

C) Small businesses ("small business" means a business employing 1-49 persons):

No costs or savings are anticipated to small businesses because the only impact is to affected persons.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

No costs or savings are anticipated to non-small businesses because the only impact is to affected persons.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

No costs or savings are anticipated to other persons because the only impact is to affected persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Affected persons include those state employees who commute in a state vehicle between one and five times per month. These individuals, if their hiring agency does not change business practices, will be charged \$3 of NON-CASH taxable earnings per day in which the individual commuted in a state vehicle. Because there is no way to estimate if an individual will continue to be in this affected status and how often they will commute in a state vehicle, the impact table will stay \$0.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

I agree with the statements made above regarding the fiscal impact. Jenney Rees, Executive Director

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

	* •	* •	4.0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

 B) Department head approval of regulatory impact analysis:

The Executive Director of Department of Government Operations, Jenney Rees, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 63A-9-401

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 08/01/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Jenney Rees,	Date:	05/13/2022
or designee,	Executive Director		
and title:			

R27. Government Operations, Fleet Operations. **R27-1.** Definitions.

R27-1-1. Authority and Purpose.

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d), which requires the division to create rules governing procedures and policies used for managing the state's vehicle fleet.

R27-1-2. Definitions.

(1) The following terms are defined for use under Title R27.

(a) "Accident" means any mishap in which a state vehicle is involved[-],which results in harm or injury to persons, or damage to property, regardless of fault, total cost of treatments, or repairs.

(b) "Agency" has the same meaning as provided in Subsections 63A-9-101(1)(a), (b), and (c).

(c) "Alternative Fuel Vehicle (AFV)" means a vehicle designed and manufactured by an original equipment manufacturer to operate on one or more fuels other than traditional gasoline or diesel fuel. Examples of alternative fuels include electricity, biodiesel, compressed natural gas, propane, hydrogen, methanol, ethanol, and any other vehicle fuel source approved by the federal government's Department of Energy (DOE).

(d) "Authorized Driver" means any agency employee who has been identified as having the authority, within their scope of employment, to operate a state vehicle on the agency's behalf. An authorized driver shall hold a valid driver license and shall successfully complete the specific authorized driver training and other criteria required by the division, Risk Management, and the employing agency for the vehicle type that will be operated. An authorized driver may also be referred to as operator, driver, employee, or customer.

(c) "Authorized Passenger" means any state employee acting within the scope of their employment, or any other person or animal whose transport is either necessary for the performance of the authorized driver's or passenger's employment duties, or has been pre-approved by the agency head to accompany an authorized driver or passenger.

(f) "Capital Lease Vehicle" means any vehicle with a lease designed to recover the vehicle cost. The division also charges rates for administrative costs. Maintenance, repair, and safety recalls costs are the responsibility of the agency that leases the vehicle from the division. Capital leases are subject to division approval.

(g) "Citizen Complaint" means a complaint reported by a citizen to the division.

(h) "Commute Use" means use of a state vehicle by an employee driving between the employee's residence and the employee's assigned work location more than [five]one calendar day[s] per month. Commute use is subject to the Commuting Rule as outlined in [IRS Publication 15-B]26 CFR 1.61-21.

(i) "Department" means the Department of Government Operations.

(j) "Division" means the Division of Fleet Operations.

(k) "Driver Eligibility Board" means the panel formed for the purpose of determining an authorized driver's state vehicle driving privileges. (1) "Emergency Vehicle" means a state vehicle which is primarily used for[-the purpose of] providing law enforcement and public safety services, including fire services or emergency medical services.

(m)(i) "Employee" includes:

(A) a governmental entity's officers, employees, servants, trustees, or commissioners;

(B) members of a governing body;

(C) members of a governmental entity's board;

(D) members of a governmental entity's commission;

(E) members of an advisory body, officers, and employees of a Children's Justice Center;

(F) student teachers holding a license issued by the State Board of Education;

(G) educational aides;

(H) students engaged in internships;

(I) volunteers as defined by Subsection 67-20-2(3); and (J) tutors.

(ii) "Employee" includes the positions identified in Subsection (m)(i) whether or not the individual holding that position receives compensation.

(iii) "Employee" does not include an independent contractor.

(n) "Expansion Vehicle" means an additional permanent vehicle requested by an agency. The purchase of an expansion vehicle requires legislative approval.

(o) "Feature" means any option or accessory that is available from the vehicle manufacturer.

(p) "Full Service Lease" means a type of lease designed to recover vehicles costs. The division also charges rates to cover administrative costs, maintenance and repair costs, and other variable costs.

(q) "Heavy-duty Vehicle" means any motor vehicle having a gross vehicle weight rating (GVWR) greater than 26,001 pounds.

(r) "Light-duty Vehicle" means any motor vehicle having a GVWR of 10,000 pounds or less.

(s) "Medium-duty Vehicle" means any motor vehicle having a GVWR of 10,001 to 26,000 pounds.

(t) "Miscellaneous Equipment" means any equipment, enhancement, or accessory that is installed on or in a motor vehicle by persons other than the original vehicle manufacturer, and other non-fleet related equipment. Includes light bars, 800 MHz radios, transits, surveying equipment, traffic counters, semaphores, and diagnostic-related equipment. Miscellaneous equipment shall be tracked in the division's fleet information system.

(u) "Motor Pool" means a centrally located group of state vehicles that is made available to agencies for lease on a short-term basis.

(v)(i) "Motor Vehicle" has the same meaning as provided in Subsection 63A-9-101(7).

(w) "Motor Vehicle Review Committee (MVRC)" means the committee created under Section 63A-9-301.

(x) "Moving Violation" means a breach of traffic laws which occurs while the driver's vehicle is in motion.

(y) "Non-preventable Accident" means any occurrence involving a state vehicle which results in an accident in which everything that could have been reasonably done to prevent it was done and the accident still occurred. Non-preventable accidents shall include vandalism of state vehicles being used to conduct state business. (z) "Non-road Vehicle" means a vehicle, regardless of GVWR, that is not licensed for on-road use. Non-road vehicles include vehicles used principally for construction, golf carts, airplanes, farm tractors, snowmobiles, forklifts, off-highway vehicles, and boats.

(aa) "Personal Use" means the use of a state vehicle to conduct an employee's personal affairs, not related to state business.

(bb) "Preventable Accident" means any occurrence involving a state vehicle, which results in property damage or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the authorized driver in question failed to do everything that could have reasonably been done to prevent it.

(i) Preventable accidents are not limited to collisions.

(ii) Preventable accidents include damage to the interior of the state vehicle due to improperly locked doors, smoke or burn damage caused by smoking in the vehicle, or lack of general care of the vehicle's interior.

(cc) "Preventive Maintenance (PM)" means vehicle services conducted at regular time intervals to deter mechanical breakdowns, including lube, oil, and filter changes.

(dd) "Replacement Cycle" means the criteria established by the division to determine when the replacement of a state vehicle is necessary.

(ee) "Replacement Vehicle" means a vehicle purchased to replace a state vehicle that has met replacement cycle criteria.

(ff) "SSFV" means a "Standard State Fleet Vehicle."[,] which is the vehicle designated by the division as the default replacement vehicle for the state fleet.

(gg) "State Fuel Network" means the state program that provides an infrastructure for fueling state vehicles.

(hh) "State of Utah Fuel Card" means a purchase card assigned to a vehicle[-, a] person or other motorized equipment by the State Fuel Network program, to be used when purchasing fuel. Fluids and minor miscellaneous items that may also be purchased with the fuel card cannot exceed the monthly monetary limits placed on such purchases by the division unless otherwise authorized.

(ii) "State Vehicle" means each motor vehicle owned, operated, or in the possession of an agency, also to include any vehicle procured with state funds for state business[<u>, i.e.] such as a</u> rental vehicle.

(jj) "Take-home Use" means use of a state vehicle by an employee driving a state vehicle between the employee's place of residence and the employee's assigned work location more than [five]one calendar day[s] per month. Take-home use is exempt from the Commuting Rule as outlined in [HRS Publication 15 B]26 CFR 1.61-21.

(kk) "Variable Costs" means costs including, [but not limited to,]fuel, oil, tires, services, repairs, maintenance, and PM.

(II) "Vehicle Identification Number (VIN)" means the number issued by the vehicle manufacturer to identify the vehicle in the event of a theft. This number can be found on the driver's side of the dashboard below the windshield.

(mm) "Vendor" means any person offering sales or services for state vehicles, such as PM or repair services.

KEY: definitions

Date of Last Change: <u>2022[November 25, 2021]</u> Notice of Continuation: October 20, 2020 Authorizing, and Implemented or Interpreted Law: 63A-9-401

NOTICE OF PROPOSED RULE	
TYPE OF RULE: Repeal	

Utah Admin. Code R65-12	Filing ID
Ref (R no.):	54637

Agency Information

• •			
1. Department:	Agriculture and Food		
Agency:	Marketing and Development		
Street address:	4315 S 2700 W, TSOB, South Bldg, Floor 2		
City, state and zip:	Taylorsville, UT 84129-2128		
Mailing address:	PO Box 146500		
City, state and zip:	Salt Lake City, UT 84114-6500		
Contact person(s):			
Name:	Phone:	Email:	
Amber Brown	385- ambermbrown@utah.gov		

1		1
Amber Brown	385- 245- 5222	ambermbrown@utah.gov
Kelly Pehrson	801- 982- 2200	kwpehrson@utah.gov
Caroline Hargraves		carolinehargraves@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R65-12. Utah Small Grains and Oilseeds Marketing Order

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being repealed as it is not being implemented. As it has been several years since the referendum to create the marketing order took place, it has been decided to repeal this rule and do another referendum to determine if this marketing order is wanted by the industry.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This filing repeals Rule R65-12 in its entirety.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The repeal will not have a fiscal impact on the state as the program was not implemented.

B) Local gov	ernments:		
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Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Utah Department of Agriculture and Food, Craig W. Buttars, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection	
4-2-103(1)(e)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee,	Craig W. Buttars, Commissioner	Date:	05/19/2022
and title:			

R65. Agriculture and Food, Marketing and Development. [R65-12. Utah Small Grains and Oilseeds Marketing Order. R65-12-1. Authority.

A. Promulgated under authority of Subsection 4.2-103(1)(e), which authorizes issuing marketing orders to promote orderly market conditions for agricultural products.

B. The Commissioner of Agriculture and Food finds that it is in the public interest to establish a marketing order to improve conditions in the small grains and oilseeds producing industry. The Commissioner finds that the issuance of this marketing order is approved and favored by at least 50 percent of the registered producers and handlers voting on the referendum. It is therefore ordered by the Commissioner that this Order be established to assure an effective and coordinated program to maintain and expand the Utah small grains and oilseed industry's market position, and that the producers shall be subject to the terms and provisions of the Order.

R65-12-2. Definition of Terms.

A. "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food.

B. "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, legal representative, or any other entity.

C. "Small grains and oilseeds" means wheat, barley, safflower, canola and any other small grain or oilseed produced or to be produced in Utah.

D. "Producer" means a person owning or leasing cropland consisting of at least 40 acres producing grain and/or oilseed.

E. "Registered producers" means producers who meet the minimum threshold of producing at least 40 acres of grain and/or oilseed for registration to vote on the referendum and have indicated that they want to be included in the marketing order voting process by certifying their eligibility to vote in the referendum.

F. "Handler" means an individual or an organization that purchases small grains or oilseed products.

G. "Purchase" means payment made to a producer by an individual or other entity.

R65-12-3. Board.

A. The Utah Small Grains and Oilseeds Board is hereby established consisting of five members of the small grains and oilseeds industry (no more than 2 individuals from the same county can serve simultaneously), plus up to two ex-officio non-voting members from Utah State University, the Utah Department of Agriculture and Food or farm organization of the Board's choice. An ex-officio non-voting member can serve as Secretary for the Board. B. The original members of the Board shall be selected by the Commissioner.

C. Successors to original members shall be appointed by the Commissioner. Two members shall be appointed for a period of three years. Three members shall be appointed for a period of four years. After the first three years, each appointed member shall serve for a period of four years. This rotation shall be in effect for the term of the marketing order. In the event of a vacancy the Commissioner shall appoint a new member from names submitted by the Board.

D. Members of the Board shall only succeed themselves once and not serve on the Board for more than eight consecutive years without a break in term of at least one year. E. The officers of the Board shall be selected from the five Board members at their first meeting after organization. The officers shall consist of a Chairman and a Vice Chairman, to be elected yearly by the members of the Board. In the event of a vacancy or unfilled office, it shall be filled through an election as soon as practical and shall be for the remainder of the unexpired term.

F. The Board shall exercise the following functions, powers and duties:

1. to receive and expend funds collected for the benefit of the Utah small grains and oilseeds producers,

 2. to cooperate with any local, state or national organization engaged in activities similar to those of the Small Grains and Oilseeds Marketing Board,

 3. to support, fund and/or conduct educational programs and advertising to promote grains, oilseeds and their products.

 4. to support and/or fund research projects to improve the profitability of the Utah small grains and oilseeds industry.

 5. to engage in any activity to promote the Utah small grains and oilseeds industry.

G. Attendance of three members at a duly called meeting shall constitute a quorum for the transaction of official business. The Board shall meet at least once annually and more often as deemed necessary by the Board.

 H. Each member of the Board is entitled to per diem and expenses in accordance with Sections 63A-3-106 and 63A-3-107.

 I. A financial report will be made available annually for members of the industry by the Small Grains and Oilseed Marketing Board.

R65-12-4. Provisions of the Order.

A. This order provides for:

 Grading standards shall not be established below any minimum standards now prescribed by law for the State.

2. Advertising and sales promotion to create new or larger markets for small grains and oilseeds products produced in Utah, provided that any such plan shall be directed towards increasing the sale of such commodity without reference to particular brand or trade name.

3. The labeling, marketing, or branding of grain and oilseed products in conformity with the regulations of the Commissioner or the laws of the State of Utah already in existence and written in the Utah Code.

4. Research projects and experiments for the purpose of improving the general condition of the small grains and oilseeds industry and for the purpose of protecting the health of the people of Utah.

5. The Board may cooperate with any other state or federal agency whose activities may be deemed beneficial to the purpose of this Order.

B. Expenses - Assessments - Collection and Disbursement. 1. Each producer subject to this Order shall pay to the board his or her pro rata share of such expenses as the Commissioner may find necessary to be incurred by the Board for the functioning of said Marketing Order. Each producer shall pay up to 5 cents per bushel of wheat sold (after all dockage has been deducted), and up to 10 cents per hundred weight on barley, safflower and canola sold (after all dockage has been deducted), to the Board quarterly. The discretionary assessment shall be set by majority vote of the Board, and approved by the Commissioner. The initial assessment shall be 3.5 cents per bushel on wheat and 7 cents per hundred weight on barley safflower and canola. This assessment levied in the specified amount shall constitute a personal debt of every person so assessed and shall be due and payable upon sale of the product. The pro rata share of the expenses payable by a cooperative association of producers shall be computed on the basis of the quantity of the product covered by the Order which is distributed, sold, or shipped in commerce by such cooperative association of producers.

2. Only grains and oilseeds produced in Utah shall be assessed. The assessment of each producer shall be deducted from the producer's gross receipt by the purchaser or handler. All proceeds from the deducted portion shall be paid at least quarterly to the Small Grains and Oilseeds Board. Failure of a purchaser or handler to collect and submit the assessment to the Board will result in a penalty to the purchaser or handler of two times the assessment amount. A purchaser or handler who collects the assessment but fails to submit payment to the Board is subject to a penalty equal to three times the assessment amount.

3. The Board shall retain records of the receipt of the assessment. The records shall be audited annually by an auditor approved by the Commissioner. Handlers may be audited on a random basis as deemed necessary by the Board with results included in the annual audit. Copies of the annual audit shall be available to any contributor upon request.

4. The Board is required to reimburse the Commissioner for any funds as are expended by the Commissioner in performing his duties, as provided in this Order. Such reimbursement to include only funds actually expended in connection with this Order.

5. The Board is authorized to incur such expenses as are necessary to carry out its functions subject to the approval of the Commissioner. The Board shall receive and disburse all funds received by it pursuant to this Order. Any funds remaining at the end of any year over and above the necessary expenses of said Board may be carried over to the next year, or divided among all persons from whom such funds were collected. At the discretion of the Board, such amounts may be applied to the necessary expenses of the Board for the continuation of its program during the next succeeding year. If carry over funds exceed \$300,000 at the end of any fiscal year, with the Commissioner's approval, the Board may suspend assessments of funds for the ensuing year or longer if deemed appropriate.

6. The Order shall become operational only if it is approved by at least 50 percent of the registered and certified producers and handlers voting in the referendum.

R65-12-5. Board - Member's Liability.

No member of the Board, nor any employee of the Board, shall be deemed responsible individually in any way whatsoever to any producer, distributor, handler, processor, or any other person, for errors of judgment, mistakes, or other acts, either of commission or omission of principal, agent, person, or employee, except for his own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the Board. The liability of the members of such Board shall be several and not joint, and no member shall be liable for the default of any other member.

R65-12-6. Complaints for Violations - Producer.

<u>Complaints for violations shall be handled by the</u> responsible legal agencies and shall be enforced in the civil courts of the state.

R65-12-7. Termination of Order.

 for such order. A referendum vote may be called at the request of the producers through a petition of 40 percent of the producers.

R65-12-8. Annual Meeting.

The Board shall meet at least annually and as often as the Board deems necessary.

KEY: promotions

Date of Last Change: April 16, 2014 Notice of Continuation: April 11, 2019 Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(c)]

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R70-201	Filing ID 54640	

Agency Information

Agency information	on		
1. Department:	Agriculture and Food		
Agency:	Regulatory Services		
Street address:	4315 S 2700 W, TSOB, South Bldg Floor 2		
City, state and zip:	Taylorsville, UT 84129-2128		
Mailing address:	PO Box 146500		
City, state and zip:	Salt Lake City, UT 84114-6500		
Contact person(s):			
Name:	Phone:	Email:	
Amber Brown	385- 245- 5222	ambermbrown@utah.gov	
Kelly Pehrson	801- 982- 2200	kwpehrson@utah.gov	
Travis Waller	801- 982- 2250	twaller@utah.gov	
Please address o	uestions	regarding information on this	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

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R70-201. Compliance Procedures
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3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Changes are needed to make this text consistent with the Utah Rulewriting Manual.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the

substantive differences between the repealed rule and the reenacted rule):

Language has been changed to make this text consistent with the Utah Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The changes are clarifying only and will not impact the operation of the program and therefore, will not have a fiscal impact on the state.

B) Local governments:

Local governments do not administer the program and are not regulated under the program and will not be impacted.

C) Small businesses ("small business" means a business employing 1-49 persons):

There should be no fiscal impact to small businesses because the changes are clarifying existing practice and the operation of the program will not change.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There should be no fiscal impact to non-small businesses because the changes are clarifying existing practice and the operation of the program will not change.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

There should be no fiscal impact to other persons because the changes are clarifying existing practice and the operation of the program will not change.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There should be no change in compliance costs for affected persons because compliance requirements are not changing.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The Commissioner of the Utah Department of Agriculture and Food, Craig W. Buttars, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection		
4-2-103(1)(i)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box **1**. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

	Craig W. Buttars, Commissioner	Date:	05/20/2022
and title:			

R70. Agriculture and Food, Regulatory Services. **R70-201.** Compliance Procedures.

R70-201-1. <u>Purpose and Authority.</u>

(1) This rule is promulgated <u>under the authority of</u> <u>Subsection 4-2-103(1)(i).[-by the Division of Regulatory Services</u> (division), within the Department of Agriculture and Food (department) under authority of Subsection 4-2-103(1)(i).]

(2) This rule establishes the Regulatory Services Division's use of emergency orders, the issuing of citations, and requests for a hearing.

R70-201-2. Definition of Terms.

(1) "Citation" means a lawful notice, issued by the division, intended to immediately remedy a violation of agricultural statutes or rules by a person, business, or operator. Pursuant to Section 4-2-304, a citation may include a penalty assessment, or provide for a fine to take effect within a stated time period.

(2) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food.

(3) "Department" means the Utah Department of Agriculture and Food.

(4) "Division" means the Division of Regulatory Services within the Utah Department of Agriculture and Food.

[(A)](5) "Emergency Order" means a written action by the [D]division, issued to a person, as a result of information that is known by the division, identifying an immediate and significant danger to the public's health, animal health, safety or welfare, and warrants prompt action pursuant to Section 63G-4-502.

(a) __Emergency orders include[+] "quarantine,"[7] "seized,"[7] "Utah Inspection and Condemned,"[7] "sealed,"[7] "reject,"[7] "retain,"[7] "denatured,"[7] "detained,"[7] and "suspect."[7]

(b) Emergency orders [and-]may be issued when division action is warranted to stop the sale of a product, or halt an immediate condition or service from occurring, pursuant to Sections 4-3-205, 4-3-403, 4-5-202, 4-9-110, 4-9-111, 4-10-112 4-33-108, and Subsection 4-5-105(1)(a).

[<u>(B)</u> "Citation" means a lawful notice, issued by the division, intended to immediately remedy a violation of agricultural statutes or rules by a person, business, or operator. Pursuant to Section 4-2-304, a citation may include a penalty assessment, or provide for a fine to take effect within a stated time period.]

R70-201-3. Emergency Order.

[(A)](1) The division may issue an emergency order when it determines that there is an immediate and significant danger to public health, animal health, safety or welfare, to secure the wellbeing, safety, or removal of danger to state citizens. <u>Emergency</u> $[\Theta]_{O}$ rders are intended to protect the public from unlawful agricultural and food products and services.

[(B)](2) When an emergency order is justified, and conditions warrant immediate action by the division, [it]<u>the division</u> shall promptly issue a written order that includes the following information:

[(1)](a) name, street address, city, state, zip-code, phonenumber, and title or position of the person being given the order, or name, street_[-]address, city, state, zip-code, phone-number of the business, organization, corporation, firm, or limited liability company, and the name and title or position of the person in the business or organization to whom the order is given;

[(2)](b) a brief statement of findings of fact as determined by the division;

[(3)](c) references to statutes or administrative rules violated;

[(4)](d) the reasons for issuance of the emergency order;

 $\left[\frac{(5)}{(e)}\right]$ the signature of the agency representative; and

 $\left[\frac{(6)}{(1)}\right]$ a space or line for the signature of the person, although a signature is not required if the person refuses.

 $[(\bigcirc)](3)$ This order shall be written and no product, condition, or service subject to the order shall be released, except upon [the subsequent]written release by the department.

R70-201-4. Citation.

[(A)](1) The [G] commissioner or [G] commissioner's designee, may enforce this rule by issuing the person a citation for violation, in order to secure subsequent payment of fines or the imposition of penalties.

[(B)](2) The citation shall include[<u>the following</u> information]:

[(1)](a) name, street address, city, state, zip-code, phonenumber, and title or position of the individual being given the order, or name, street[-]_address, city, state, zip-code, phone-number of the entity, which includes business, organization, corporation, firm, or limited liability company, and the name and title or position of the individual in the entity to whom the order is given;

 $\left[\frac{(2)}{(b)}\right]$ references to the statutes or rules violated;

[(3)](c) a brief statement to the findings of fact as determined by the division;

[(4)](d) a penalty or fine amount;

 $\left[\frac{(5)}{(c)}\right]$ the signature of the $\left[\frac{agency}{division}\right]$ representative;

[(6)](f) a space or line for the signature of the individual, although a signature is not [required]needed if the individual refuses to sign; and

 $[(7)](\underline{g})$ a statement explaining that a person is allowed to request an administrative hearing under Sections 4-1-104 and 63G-4-201 if the person believes that a citation was not warranted.

 $[(\widehat{\mathbf{C}})](3)$ The fine or penalty amount will be set by the department or the division, under the direction of the $[\underline{\mathbf{C}}]_{\text{commissioner}}$, for up to \$5,000 per violation.

[(D)](4) If the citation involves a criminal proceeding, the individual may be found guilty of a class B misdemeanor.

 $[(\underline{E})](\underline{5})$ In accordance with Section 4-2-304, fine or penalty amounts shall be \$500 to \$5,000 per violation depending on

the level of the violation and any adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.

[(1)](a) If the citation is not paid within 15 days, the penalty or fine shall be two times the citation amount.

[(2)](b) If the citation is not paid within 30 days, the penalty or fine shall be four times the citation amount.

 $[\frac{(3)}{(c)}]$ The total penalty or fine per violation shall not exceed \$5,000.

R70-201-5. Request for Hearing.

When any order or citation, as defined [$\frac{above]in}{Subsection R70-201-2(1)}$, is issued, the person being charged with the violation may elect to file, within allowable time limits, a request for the department to schedule an informal [A]administrative [H]hearing in accordance with [the provisions of]Section 4-1-104.

KEY: agricultural law

Date of Last Change: [October 14, 2020]2022 Notice of Continuation: December 28, 2021 Authorizing, and Implemented or Interpreted Law: 4-2-103(l)(i)

NOTICE OF PROPOSED RULE				
TYPE OF RULE: Amendment				
Utah Admin. Code R70-310 Filing ID Ref (R no.): 54646				

Agency Information

Agency information	511				
1. Department:	Agriculture and Food				
Agency:	Regulatory Services				
Street address:	4315 S 2700 W, TSOB, South Bldg Floor 2				
City, state and zip:	Salt Lake City, UT 84129-2128				
Mailing address:	PO Box	146500			
City, state and zip:	Salt Lake City, UT 84114-6500				
Contact person(s	Contact person(s):				
Name:	Phone: Email:				
Amber Brown	385- 245- 5222	ambermbrown@utah.gov			
Travis Waller	801- 982- 2250	twaller@utah.gov			
Kelly Pehrson	801- 982- 2200	Kwpehrson@utah.gov			
Please address questions regarding information on this notice to the agency.					

General Information

2. Rule or section catchline:

R70-310. Grade A Pasteurized Milk

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Changes are needed to make this text more compliant with the requirements of the Utah Rulewriting Manual and update the incorporated documents.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Changes are made to make this rule text more consistent with the requirements of the Utah Rulewriting Manual. Additionally, this rule is changed to incorporate the 2019 version of the Pasteurized Milk Ordinance.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

These changes clarify this rule and will not have a fiscal impact.

B) Local governments:

These changes will not impact local governments because they do not participate in the Department Agriculture and Food 's dairy program.

C) Small businesses ("small business" means a business employing 1-49 persons):

These changes clarify this rule and do not change program requirements and will not have a fiscal impact on small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

These changes clarify this rule and do not change program requirements and will not have a fiscal impact on non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

These changes clarify this rule and do not change program requirements and will not have a fiscal impact on other persons.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The compliance costs for affected persons will not change because the requirements of the program are not changing.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule change will not have a fiscal impact on businesses. Craig W. Buttars, Commissioner

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Ir Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Fotal Fiscal Cost	\$0	\$0	\$0
⁻ iscal Benefits			
State Government	\$0	\$0	\$0
ocal Sovernments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Fotal Fiscal Benefits	\$0	\$0	\$0
let Fiscal Benefits	\$0	\$0	\$0

analysis:

The Commissioner of the Utah Department of Agriculture and Food, Craig W. Buttars has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 4-2-103(1)(i)	

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:				
	First Incorporation			
Official Title of Materials Incorporated (from title page)	Grade A Pasteurized Milk Ordinance			
Publisher				
Issue, or version	2019 Revision			

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee,	Craig W. Buttars, Commissioner	Date:	05/26/2022
and title:			

R70. Agriculture and Food, Regulatory Services. **R70-310.** Grade A Pasteurized Milk. **R70-310-1.** <u>Purpose and Authority.</u>

[A.](<u>1</u>) Promulgated Under the Authority of Subsection 4-2-103(1)(i).

[B. Scope -t](2) This rule shall apply to [all]any Grade A pasteurized milk products sold, bought, processed, manufactured, or distributed within the [State of]Utah.

(3) This rule adopts United States Public Health Service (USPHS) and Food and Drug Administration ordinances, procedures, and methods regarding Grade A Pasteurized Milk and establishes penalties for violations of this rule.

R70-310-2. Adoption of USPHS Ordinance.

(1) The 2019 revision of "The Grade A Pasteurized Milk Ordinance, [2017-]Recommendations of the United States Public Health Service/Food and Drug Administration" is incorporated by reference into this rule. [,]

(2) [4]The 2017 [R]revision of "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments,"[and] is incorporated by reference into this rule.

(3) [t]<u>The 2017 [R]</u>revision of "Methods of Making Sanitation Ratings of Milk Shippers," [are hereby adopted and]<u>is</u> incorporated by reference [within]<u>into</u> this rule.

(4) These documents are available for public inspection, during normal working hours, and may be reviewed at the main office of the Utah Department of Agriculture and Food, [350 No. Redwood Road, SLC, UT 84116]4315 South 2700 West, TSOB South Bldg, Floor 2, Taylorsville, UT 84129-2128.

R70-310-3. Regulatory Agency Defined.

The definition of "regulatory agency" as given in section 1[(LL)](YY) of the Grade A Pasteurized Milk Ordinance [shall]means the Commissioner of the Utah Department of Agriculture and Food[-of the State of Utah] or [his]the commissioner's authorized representative[(s)].

R70-310-4. Penalty.

Violation of any portion of the <u>USPHS</u> Grade A Pasteurized Milk Ordinance [2011 recommendation]may result in civil or criminal action, pursuant to Section 4-2-[15]304.

KEY: dairy inspections

Date of Last Change: [August 13, 2019]2022

Notice of Continuation: June 7, 2019

Authorizing, and Implemented or Interpreted Law: 4-2-[2]103(1)(i)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment				
Utah Admin. Code Ref (R no.):		Filing ID 54623		

Agency Information

1. Department:	Education			
Agency:	Administration			
Building:	Board of	Board of Education		
Street address:	250 E 50	00 S		
City, state and zip:	Salt Lake City, UT 84111			
Mailing address:	PO Box 144200			
City, state and zip:	Salt Lake City, UT 84114-4200			
Contact person(s):			
Name:	Phone:	Email:		
Angie Stallings	801- angie.stallings@schools.utał 538- gov 7830			
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule or section catchline:

R277-122. Board of Education Procurement

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The reason for the rule changes are to make modifications to this rule for consistency with state procurement policies in some areas and updating purchasing thresholds.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The changes to this rule reflect adoption of state procurement rules in new areas and updates the maximum threshold for contracting with professional services providers.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. It makes technical changes to the Utah State Board of Education (USBE) procurement rules to follow updated state procurement thresholds and doesn't affect budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The changes only affect USBE procurement and not local education agencies (LEAs) or other local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. It does not relate to any small businesses, only USBE procurement.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. Only technical changes to USBE procurement.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table					
Fiscal Cost	FY2022	FY2023	FY2024		
State Government	\$0	\$0	\$0		
Local Governments	\$0	\$0	\$0		
Small Businesses	\$0	\$0	\$0		
Non-Small Businesses	\$0	\$0	\$0		
Other Persons	\$0	\$0	\$0		
Total Fiscal Cost	\$0	\$0	\$0		
Fiscal Benefits					
State Government	\$0	\$0	\$0		
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article	Х,	Section	Section 53E-3-401	Title 63G,
3				Chapter 6a

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Title R33, Purchasing and General Services
Publisher	Office of Administrative Rules
Date Issued	April 1, 2022

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-122. Board of Education Procurement.

R277-122-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Title 63G, Chapter 6a, Utah Procurement Code.

(2) The purpose of this rule is to adopt and incorporate by reference Title R33, Purchasing and General Services, with exceptions as described in this rule.

R277-122-2. Definitions.

 "Professional service provider" means a provider of a professional service as defined in [<u>Subs]S</u>ection 63G-6a-103[(61)] and includes an expert in educational instruction and teaching.

(2) "Responsible" means the same as that term is defined in [Subs]Section 63G-6a-103[-(75)].

(3) "Responsive" means the same as that term is defined in [Subs]Section 63G-6a-103[-(76)].

[_____(4) "Unsolicited proposal" means the same as that term is defined in Subsection 63G 6a 712(1).]

R277-122-3. Incorporation of Title R33 With Exceptions.

(1) The Board adopts and incorporates by reference Title R33, Purchasing and General Services, as in effect on April 1, 20[17]22, with the exceptions described in this section.

(2) The Board does not adopt Section R33-8-101b.

(3) The Board adopts Section R277-122-5 in place of Sections R33-5-104 and R33-5-107.

(4) The Board adopts Section R277-122-6 in place of Section R33-5-108.

[______(5) The Board adopts Section R277-122-7 in place of Section R33-7-704.]

 $(\underline{5[6]})$ The Board adopts Section R277-122- $[\underline{9]7}$ in place of Sections R33-9-102 and R33-9-103.

 $(\underline{6}[7])$ The Board adopts Section R277-122- $[\underline{10}]\underline{8}$ in place of Section R33-12-201.

 $(\underline{7[8]})$ The Board adopts Section R277-122- $[\underline{12]9}$ in place of Section R33-12-608.

(a) R33-16-101a (2)(a); and

(h)	R33	16-301	(A) 1
(0)	1055	10 501	(1)

R277-122-4. Head of the Procurement Unit Designated.

The Board designates the Board's Director of Purchasing as the head of the procurement unit.

R277-122-5. Small Purchases of Procurement Items Other than Professional Services and Consultants.

(1) The head of the procurement unit shall make small purchases in accordance with the requirements set forth in Section 63G-6a-506 and this Section R277-122-[10]8.

(2) Unless otherwise required as part of another standard procurement process being used in conjunction with a small purchase, the head of the procurement unit need not utilize a solicitation or provide public notice to conduct a small purchase.

(3) The head of the procurement unit may make a small purchase of a procurement item other than a professional service by:

(a) direct award without seeking competitive bids or quotes up to the following threshold amounts:

(i) \$10,000 for one or more procurement items purchased at the same time from one source; and

(ii) \$75,000 for multiple procurement items purchased in a 12-month period from one source; and

(b) subject to [Rule]Section R33-4-109, obtaining quotes from a minimum of two vendors and purchasing the procurement item from the responsible vendor offering the lowest quote for a purchase of up to [$\frac{$75,000}{$100,000}$ for one or more procurement items purchased at the same time from a single source.

(4) When conducting a purchase under Subsection (3)(b) in conjunction with an approved vendor list, the head of the procurement unit:

 $(a)(i) \,$ may obtain quotes from all the vendors on the approved vendor list; or

(ii) may obtain quotes from a minimum of two vendors on the approved vendor list, using one or more of the following methods to select vendors from whom to obtain quotes:

(A) a rotation system, organized alphabetically, numerically, or randomly;

(B) the geographic area serviced by each vendor;

(C) each vendor's particular expertise or field;

(D) solicitation of an additional quote from the vendor that provided the lowest quote on the most recently completed procurement conducted by the Board using the approved vendor list; or

(E) another method approved by the head of the procurement unit;

(b) shall document that all vendors on the approved vendor list have a fair and equitable opportunity to obtain a contract; and

(c) shall purchase the procurement item from the responsible vendor on the approved list offering the lowest quote.

(5) When[ever] practicable, the head of the procurement unit shall use a rotation system or other system designed to allow for competition when using a small purchase process.

(6) In the process of obtaining a competitive quote, the head of the procurement unit shall record and maintain the following as a government record:

(a) the names of the vendors from whom quotes were requested and received; and

(b) the date of receipt and amount of each quote.

(7) The head of the procurement unit shall comply with all applicable laws and rules in the conduct of small purchases, including:

(a) Subsection 63G-6a-506(8);

(b) Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties; and

(c) Sections R33-24-104 through R33-24-106.

R277-122-6. Small Purchases of Professional Service Providers and Consultants.

(1) The head of the procurement unit shall make small purchases of professional services in accordance with the requirements set forth in Section 63G-6a-506 and this Section R277-122-11.

(2) Unless otherwise specifically required in this rule or as part of another standard procurement process being used in conjunction with a small purchase, the head of the procurement unit need not utilize a solicitation or provide public notice to conduct a small purchase of professional services.

(3) The head of the procurement unit may procure professional services:

(a) up to a maximum of \$10,000 by direct negotiation with any professional services provider or consultant determined in writing by the head of the procurement unit to be qualified to provide the professional service; and

(b) up to a maximum of [\$100,000]<u>\$175,000</u> by:

(i) subject to [Rule]Section R33-4-109, obtaining quotes from a minimum of three professional services providers or consultants determined in writing by the head of the procurement unit to be qualified to provide the professional services; and

(ii) making the purchase from the professional service provider or consultant determined in writing by the head of the procurement unit to provide the Board with the best value, comparing qualifications and price.

(4) The head of the procurement unit may utilize the process set forth in Subsection (3)(b) to make purchases from multiple professional service providers or consultants if:

(a) multiple professional service providers or consultants of the same type are required to fulfill the need for the professional service;

(b) the total amount awarded to the selected professional service providers or consultants does not exceed \$250,000;

(c) a request for qualifications and quotes is published in accordance with Section 63G-6a-112;

(d) the request for qualifications and quotes states that the Board may make a purchase from multiple professional service providers or consultants; and

(e) all responses received are reviewed and considered when selecting the best value professional service providers or consultants.

(5) The head of the procurement unit shall comply with all applicable laws and rules in the conduct of small purchases for professional services, including:

(a) Subsection 63G-6a-506(8);

(b) Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties; and

(c) Sections R33-24-104 through R33-24-106.

[R277-122-7. Scoring of Proposals Against Evaluation Criteria Other Than Cost in the Request for Proposal Process.

(1) The head of the procurement unit shall score proposals against evaluation criteria other than cost in the request for proposal process to:

 (a) determine which proposals meet mandatory minimum requirements or minimum score thresholds set forth in a request for proposal; and

(b) assist the head of the procurement unit in selecting the proposal that provides the best value or is the most advantageous to the Board.

(2) The head of the procurement unit shall award points for each applicable evaluation criteria set forth in a request for proposal.
 (3) The head of the procurement unit shall evaluate request for proposals based on a ten-point scale consisting of all whole numbers from zero to ten, with scores adhering to the following benchmarks:

 (a) Ten points: the proposed solution measurably exceeds requirements and expectations as described in the request for proposal;

 (b) Five points: the proposed solution satisfactorily meets requirements and expectations as described in the request for proposal; and

(c) Zero points: the proposed solution does not meet requirements and expectations as described in the request for proposal.

(4) The head of the procurement unit may use an alternative scoring scale if approved in writing by the head of the procurement unit.

R277-122-8. Multiple Category Request for Proposals Process Resulting in a Single Award.

(1) In accordance with Section 63G-6a-710, the head of the procurement unit may conduct a multiple stage process as a multiple category request for proposals process resulting in a single contract award.

(2) The head of the procurement unit may use a multiple category request for proposals process when proposals are accepted in more than one category of solution, and the category of solution providing the best value to the Board is not determined until the final stage of the multiple stage process.

(3) When conducting a multiple category request for proposals process, the head of the procurement unit shall:

 (a) comply with all requirements set forth in Title 63G, Chapter 6a, Part 7, Requests for Proposals;

 (b) allow offerors to submit proposals in more than one category; and

(c) include in the request for proposals:

 (i) the subjective and objective criteria that will be used to evaluate proposals in each category of solution;

 (ii) the minimum score thresholds required to advance to subsequent stages of the multiple stage process;

(iii) the method of identifying the best value proposal in each category of solution; and

 (iv) the method of identifying the best value category of solution in the final stage of the multiple stage process.

 (4) Categories in a multiple category request for proposals may consist of:

(a) different types of solutions addressing the same need;
 (b) a base solution and its variants, including add alternates building upon the base solution; or

(c) any other category determined in writing by the head of the procurement unit to be appropriate for use in a multiple category request for proposals.]

R277-122-[9]7. Cancellation Before Award.

(1) A solicitation may be cancelled prior to a contract award if:

(a) the Board does not receive any responsive responses to the solicitation; or

(b) the head of the procurement unit determines the cancellation is:

(i) in the best interest of the Board; and

(ii) supported by a reasonable and good faith justification.

(2) The head of the procurement unit shall include notice of the Board's right of cancellation described in Subsection (1) in each Board solicitation.

(3) A solicitation may be re-issued:

(a) with or without modification, if cancelled pursuant to Subsection (1)(a); or

(b) with modification, if cancelled pursuant to Subsection (1)(b).

R277-122-[10]8. Establishment of Terms and Conditions.

The head of the procurement unit shall develop standard terms and conditions for use with Board contracts and agreements.

[R277-122-11. Requirements for Cost or Pricing Data.

(1) If cost or pricing data is required by Section 63G-6a-1206 or Section R33-12-601, the head of the procurement unit shall require the person who seeks a cost based contract to submit:

(a) factual and verifiable information related to the contractor's estimated cost for completing a project on:

(i) the date the contract is signed by both parties; or

(ii) an earlier date agreed to by both parties that is:

(A) as close as practicable to the date described in Subsection (1)(a)(i); and

(B) before prudent buyers and sellers would reasonably expect price negotiations to be affected significantly; and

(b) underlying data related to a contractor's estimate that can be reasonably expected to contribute to the soundness of estimates of future costs and the validity of determinations of costs already incurred, including:

(i) vendor quotations;

(ii) nonrecurring costs;

 (iii) information on changes in production methods and in production or purchasing volume;

(iv) data supporting projections of business prospects and objectives and related operations costs;

(v) unit-cost trends such as those associated with labor efficiency;

(vi) make-or-buy decisions;

(vii) estimated resources to attain business goals; or

(viii) information on management decisions that could have a significant bearing on costs.

 (2) Submission of certified cost or pricing data applies to contracts of \$50,000.00 or greater if the contract price is not established by:

(a) adequate price competition;

(b) established catalogue or market prices; or
 (c) law or regulation.

R277-122-[12]9. Use of Federal Cost Principles.

The head of the procurement unit shall apply the federal cost principles described in 2 CFR Part 200, Subpart E in determining which costs expended under Board contracts are reasonable, allocable, and allowable.

[R277-122-13. Grounds for Protest - Intervention in a Protest.

(1) A bidder who files a protest shall include in the bidder's submission a concise statement of the grounds for the protest, which shall include the facts leading the protestor to contend that a grievance has occurred, including but not limited to specifically referencing:

(a) the circumstances described in Subsections R33-16-101a(2)(a) (i) through (iii);

(b) a provision of the solicitation alleged to be: (i) unduly restrictive:

(ii) anticompetitive; or

(iii) unlawful;

 (c) an alleged material error made by the evaluation committee or conducting procurement unit; or

(d) the circumstances described in Subsections R33-16-101a(2)(a)(vi) and (vii).

(2) A motion to intervene in a post-award protest may only be made by the announced awardee.

(3) A person may intervene in a pre-award protest, if the person's proposal:

(a) was evaluated;

(b) found to be responsive; and

(c) the head of the procurement unit finds the person to be responsible.

R277-122-14. Unsolicited Proposals.

The head of the procurement unit may not consider an unsolicited proposal.

KEY: procurement, efficiency

Date of Last Change: <u>2022</u>[February 7, 2019] Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [<u>53A-1-401</u>]53E-3-401; 63G-6a

NOTICE OF PROPOSED RULE	
TVDE OF PILLE: Amendment	

Utah Admin. Code R277-302	Filing ID
Ref (R no.):	54624

Agency Information

J,		
1. Department:	Educatio	on
Agency:	Adminis	tration
Building:	Board o	f Education
Street address:	250 E 5	00 S
City, state and zip:	Salt Lak	e City, UT 84111
Mailing address:	PO Box	144200
City, state and zip:	Salt Lak	e City, UT 84114-4200
Contact person(s	;):	
Name:	Phone:	Email:
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov
Please address o	uestions	regarding information on this

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-302. Educator Licensing Renewal

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The reason for the rule amendment is to establish the requirements for renewing local education agency (LEA)-

specific licenses and to update terminology for professional learning.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The rule amendments update the educator license renewal requirements, as well as terminology related to professional learning.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. It makes technical changes to teacher licensure but has no budget impact on the Utah State Board of Education or other agencies.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The technical changes apply mainly to individual educators and will not impact LEA budgets.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only affects educators.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. The technical changes can be implemented within existing systems.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table				
Fiscal Cost	FY2022	FY2023	FY2024	
State Government	\$0	\$0	\$0	
Local Governments	\$0	\$0	\$0	
Small Businesses	\$0	\$0	\$0	
Non-Small Businesses	\$0	\$0	\$0	
Other Persons	\$0	\$0	\$0	
Total Fiscal Cost	\$0	\$0	\$0	
Fiscal Benefits				
State Government	\$0	\$0	\$0	
Local Governments	\$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

 B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	
Section 3	53E-3-401(4)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-302. Educator Licensing Renewal.

R277-302-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) The purpose of this rule is to ensure that licensed educators maintain and enhance their education-related skills and knowledge throughout the duration of the license.

UTAH STATE BULLETIN, June 15, 2022, Vol. 2022, No. 12

R277-302-2. Definitions.

(1) "Alternate professional learning activities" means activities that enhance or improve the education-related skills and knowledge of an educator serving in school, but not in a role as a primary educator, including:

(a) work as a paraprofessional;

(b) substitute teaching in a public school;

(c) volunteering in a public school;

(d) travel with an educational purpose or component;

(e) presenting at professional conferences, including the time to design or prepare the presentation;

(f) educational research;

(g) work as a department chair in a public school.

(2) "Conflict of interest" means a business, family, monetary, or relationship concern that may cause a reasonable educator to be unduly influenced or that creates the appearance of undue influence.

(3) "Educator" has the same meaning as defined in Section 53E-6-102.

(4) "Educator collaboration opportunities" mean opportunities in which educators engage in data analysis in collaboration with colleagues to inform instructional adjustments and student need, including through professional learning communities.

(5) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(6) "Licensed administrator" means:

(a) an individual holding a current Utah educator license with a school leadership license area of concentration;

(b) an individual, familiar with the requirements of this rule, holding an equivalent license in another jurisdiction; or

(c) an individual currently employed in an administrative position in a Utah charter school or accredited private school.

(7)(a) "Professional education entity" means a public or private organization engaged in services related, in whole or in part, to promoting education.

(b) "Professional education entity" includes:

(i) an LEA;

(ii) the Board, including its staff;

(iii) another elected or appointed government body responsible for education policy;

(iv) a regional service center;

(v) a union or association of professional educators;

(vi) an association whose members are comprised of Utah LEAs or schools;

(vii) an accredited p-12 private institution; and

(viii) a regionally accredited college or university.

(8) "Professional learning experiences" means learning experiences in:

(a) curriculum development;

(b) school improvement;

(c) mentoring and training new teachers; and

(d) instructional coaching.

(9) "Professional service" means service in a local, state, or national government or professional education association leadership role.

R277-302-3. Educator License Renewal Requirements.

(1) An individual that holds a current Utah educator license may apply to the Superintendent for renewal of the license after meeting all requirements detailed in this rule between January 1 and June 30 of the year in which the educator's license expires. (2) An individual that holds an expired associate or professional Utah educator license may apply to the Superintendent for renewal of the license after meeting all requirements detailed in this rule.

(3) A Utah educator license holder shall accrue 100 license renewal [points]hours prior to license renewal, beginning with the date of each new renewal.

(4) Prior to applying for renewal, an individual that holds a professional Utah educator license shall:

(a) complete license renewal [points]hours as detailed in Section R277-302-7 during the five years prior to the date of renewal;

(b) complete the USBE educator ethics review during the year prior to the date of renewal; and

(c) maintain ongoing background monitoring in accordance with Section 53G-11-403.

(5) Prior to applying for renewal, an individual that holds an associate Utah educator license shall:

(a) have less than three years of experience in an educator position related to the area of licensure in a public or accredited private school in Utah;

(b) meet the current content knowledge requirements for an associate educator license related to the educator's area of licensure detailed in Section R277-301-4;

(c) redo the professional learning modules required for an associate educator license detailed in Section R277-301-4 during the six months prior to the date of renewal;

(d) complete the USBE educator ethics review during the year prior to the date of renewal; and

(e) maintain ongoing background monitoring in accordance with Section 53E-6-401.

(6) Prior to qualifying for renewal, an individual that holds an LEA-specific Utah educator license shall:

(a) comply with the LEA's policy for employment and professional learning;

(b) provide documentation of 60 renewal hours, consistent with Section R277-302-7:

(c) complete the USBE educator ethics review during the year prior to the date of renewal; and

(d) maintain ongoing background monitoring in accordance with Section 53E-6-401.

R277-302-4. Superintendent Responsibilities.

(1) The Superintendent shall establish application procedures for Utah educator license renewal that:

(a) include simplified procedures for an educator that:

(i) is currently employed in an educator position by a professional education entity;

(ii) has been employed in an educator position by a professional education entity in each of the years covered by the individual's Utah educator license; and

(iii) has participated in professional learning activities as required by Subsection R277-302-6(1);

(b) require verification of the educator's completed license renewal [points]hours by the signature of a current licensed administrator without a conflict of interest with the educator; and

(c) is completed through an automated, online platform, to the extent reasonably possible given existing technology and resources.

(2) The Superintendent shall monitor a random sample of approximately [ten_percent]10% of annual renewals that utilize automated or online procedures.

(3) The Superintendent shall provide guidance to educators to the extent that funding allows that:

(a) promotes participation in activities that are not cost intensive;

(b) encourages licensed administrators to consider a broad variety of activities under Subsection R277-302-7(4)(d); and

(c) supports educators in learning how and where to earn [points]renewal hours without directly referring educators to paid services.

(4)(a) The Superintendent may monitor[<u>review</u>] any renewal transaction for accuracy and compliance with this rule.

(b) The Superintendent may void a license transaction that was completed on the basis of inaccurate information at any time with notice to the license holder.

(6) The Superintendent shall provide a model policy to facilitate the resolution of a conflict between a licensed educator and a licensed administrator that arises based on the requirement detailed in Subsection R277-302-4(1)(b), which may include a provision for review of the issues by the Superintendent.

R277-302-5. Educator Responsibilities.

(1) An educator is responsible for acquiring and retaining documentation and signatures related to the completion of professional learning activities used to meet the requirements of this rule.

(2) An educator shall finalize all renewal documentation during the six months prior to the date of renewal.

(3) An educator shall retain all documentation related to a renewal application under this rule for no less than two years from the date of renewal.

(4) If an educator's renewal application is identified for monitoring in accordance with Subsections R277-302-4(2) and (3), the educator shall submit any requested documentation to the Superintendent in a timely manner.

R277-302-6. LEA Responsibilities.

(1) An LEA that employs an individual holding a professional Utah educator license shall provide opportunities for the individual to complete a minimum of the equivalent of [twenty]20 license renewal [points]hours as defined in Section R277-302-7 of professional learning activities to all such license holders annually, which shall include trainings required by state law or Board rule.

(2) An LEA shall maintain or provide to the educator documentation of professional learning activities under Subsection (1).

(3) If an individual that holds a professional Utah educator license does not participate in the activities provided under Subsection (1), the educator's LEA shall notify the educator and the Superintendent that the educator is not eligible to utilize the simplified procedures described in Subsection R277-302-4(1)(a).

R277-302-7. Professional Renewal Activities.

(1) An educator with a current assignment in a Utah LEA shall [earn points]complete renewal hours in at least two of the areas identified in this Section R277-302-7, subject to the maximum renewal [points]hours in Subsection[s] (4).

(2) An educator without a current assignment in a Utah LEA shall [earn points]complete renewal hours in any area identified

in this Section R277-302-7 with no maximum renewal [points]hours in any given area.

(3) Notwithstanding Subsections (1) and (2):

(a) an educator may receive 100 [points]hours toward[s] renewal for earning national board certification, with no further renewal [points]hours required;

(b) an educator may receive 20 [points]hours per national board certification component completed during any given renewal cycle; or

(c) an educator who held a Level 3 license prior to July 1, 2020, may receive 25 renewal [points]hours in recognition of the Level 3 requirements in the educator's first renewal after July 1, 2020.

(4) An educator may [earn points]complete renewal hours in the following areas:

(a) Professional learning experiences, up to a maximum of 90 [points]hours, as follows:

(i) one renewal [point]hour for each clock hour of scheduled professional learning activities sponsored or approved by a professional education entity in the following areas:

(A) university coursework;

(B) USBE professional learning;

(C) curriculum development;

(D) school improvement;

(E) mentoring and training of new teachers;

(F) training and support designed specifically for new teachers or teachers identified as ineffective on the teacher's annual evaluation;

(G) instructional coaching; or

(H) conferences, workshops, institutes, trainings, symposia, or staff-development programs; or

(ii) ten renewal [points]hours per year for a teacher evaluation deemed highly effective;

(b) Educator collaboration opportunities, with one renewal [point]hour for each clock hour up to a maximum of 30[-points] hours;

(c) Professional service, with one renewal [point]hour for each clock hour up to a maximum of 50 [points]hours;[-and]

(d) Alternate learning opportunities, with one renewal [point]hour for each clock hour up to a maximum of 30 [points.]hours; and

(e) Teaching during the COVID-19 pandemic, with 20 hours for each year the educator had a teaching assignment during:

(i) the 2019-20 school year;
(ii) the 2020-21 school year; and
(iii) the 2021-22 school year.

R277-302-8. Licensing Renewal Point Options for Grandfathered Licenses.

(1) Notwithstanding Subsection R277-302-3(4)(a), an educator whose professional Utah educator license has an expiration date prior June 30, 2025 may earn license renewal points in accordance with this Section R277-302-8 on the educator's first subsequent renewal, in addition to the options described in Section R277-302-7 if the educator does not meet the renewal requirements detailed in this rule.

(2) If an educator chooses to earn license renewal points under this Section R277-302-8:

(a) an educator who held a level two or three license prior to June 30, 2020, shall accrue 200 points in the five years prior to applying for renewal; and (b) an educator who held a level one license prior to June 30, 2020 shall accrue 100 points in the three years prior to applying for renewal.

(3) An educator may earn license renewal points for employment in a position requiring a Utah educator license, as follows:

(a) An educator may earn 35 license renewal points per year of employment, up to a maximum of 105 points per license cycle; and

(b) An educator may only count years of employment with satisfactory performance evaluations for license renewal points.

(4) An educator may earn license renewal points for content and pedagogy testing, as follows:

(a) A qualifying test must be approved by the Superintendent;

(b) For each qualifying test submitted with a passing score, the educator qualifies for 25 license renewal points; and

(c) An educator may submit no more than two qualifying test scores per license cycle.

(5) An educator may receive license renewal points for service in a leadership role in a national, state-wide, or LEArecognized professional education organization, as follows:

(a) The educator's direct administrative supervisor shall approve qualifying service under Subsection (5); and

(b) Each clock hour of participation qualifies for one license renewal point, not to exceed ten points per year.

(6) An educator may receive license renewal points for substituting in a public school or accredited private school in Utah, as follows:

(a) The educator must have an inactive license during the school year the points are earned;

(b) Two hours of documented substitute time equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle; and

(c) A licensed administrator at the LEA where the substitute teaching occurred shall verify hours on LEA or school letterhead;

(7) An educator may receive license renewal points for paraprofessional or volunteer service in a public school or accredited private school in Utah, as follows:

(a) The educator must have an inactive license during the school year the points are earned;

(b) Three hours of documented paraprofessional or volunteer service equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle; and

(c) A licensed administrator at the LEA where the paraprofessional or volunteer service occurred shall verify hours on LEA or school letterhead.

KEY: license renewal, educators Date of Last Change: <u>2022[November 10, 2020]</u> Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

NOTICE OF PROPO	SED RULE	
TYPE OF RULE: Ar	nendment	
Utah Admin. Code Ref (R no.):	R277-404	Filing ID 54628

Agency Information

1. Department:	Educatio	on
Agency:	Adminis	tration
Building:	Board of	f Education
Street address:	250 E 50	00 S
City, state and zip:	Salt Lak	e City, UT 84111
Mailing address:	PO Box	144200
City, state and zip:	Salt Lak	e City, UT 84114-4200
Contact person(s):	
Name:	Phone:	Email:
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-404. Requirements for Assessments of Student Achievement

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The reason for the changes is to bring this rule up-to-date with currently used language and the correct school year references.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The rule amendments provide consistent definitions between this rule and other administrative rules, related to early reading and early mathematics assessments. In addition, references to school year 2021-2022 are updated to school year 2022-2023.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. It simply updates the definition for a benchmark assessment and does not change the Utah State Board of Education (USBE) budgets or other state agency budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. It updates the definition of benchmark assessments and makes no changes to local education agency (LEA) budgets.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to public education.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no budget changes required by the updated definition.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table				
Fiscal Cost	FY2022	FY2023	FY2024	
State Government	\$0	\$0	\$0	
Local Governments	\$0	\$0	\$0	
Small Businesses	\$0	\$0	\$0	
Non-Small Businesses	\$0	\$0	\$0	
Other Persons	\$0	\$0	\$0	
Total Fiscal Cost	\$0	\$0	\$0	
Fiscal Benefits				
State Government	\$0	\$0	\$0	
₋ocal Governments	\$0	\$0	\$0	
Small Businesses	\$0	\$0	\$0	
Non-Small Businesses	\$0	\$0	\$0	
Other Persons	\$0	\$0	\$0	
Fotal Fiscal Benefits	\$0	\$0	\$0	
Net Fiscal Benefits	\$0	\$0	\$0	

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Subsection 53G-6-803(9)(b)	Section 53E-4-302
Subsection 53E-3-401(4)		

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references
First Incorporation

Official Title of Materials Incorporated (from title page)	Standard Test Administration and Testing Ethics Policy
Publisher	Utah State Board of Education
Date Issued	May 5, 2022
Issue, or version	Version 1

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-404. Requirements for Assessments of Student Achievement.

R277-404-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Section 53E-4-302, which directs the Board to adopt rules for the administration of statewide assessments; and

(d) Subsection 53G-6-803(9)(b), which requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments.

(2) The purpose of this rule is to:

(a) provide consistent definitions; and

(b) assign responsibilities and procedures for the administration of statewide assessments, as required by state and federal law.

R277-404-2. Definitions.

(1) "Benchmark <u>reading</u> assessment" means the <u>same as</u> the term is defined in Section R277-406-2[Board approved literacy or mathematics assessment that is administered to a student in grade 1, grade 2, and grade 3 at the beginning, middle, and end of year].

(2) "Benchmark mathematics assessment" means the <u>same</u> as the term is defined in Section R277-406-2[Board approved mathematics assessment administered to a student in grade 1, grade 2, and grade 3 at the beginning, middle, and end of year].

(3) "College readiness assessment" means the:

(a) same as that term is described in Section 53E-4-305;

and

(b) the ACT.

(4) "English Learner" or "EL student" means a student who is learning in English as a second language.

(5) "English language proficiency assessment" means the WIDA Assessing Comprehension in English State-to-State (ACCESS), which is designed to measure the acquisition of the academic English language for an English Learner student.

(6) "Family Educational Rights and Privacy Act of 1974" or "FERPA," 20 U.S.C. 1232g, means a federal law designed to protect the privacy of students' education records.

(7) "High school assessment":

(a) means the same as that term is described in Section 53E-4-304;

(b) means the "Utah Aspire Plus"; and

(c) includes the Utah Aspire Plus assessment of proficiency in:

(i) English;

(ii) math;

(iii) science; and

(iv) reading.

(8) "National Assessment of Education Progress" or "NAEP" means the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

(9) "Statewide assessment" means an assessment described in Subsection 53G-6-803(9)(a).

(10) "Standards Assessment":

(a) means the same as that term is described in Subsection 53E-4-303(2)(a):[-and]

(b) means the "Readiness Improvement Success Empowerment" or "RISE"; and

(c) for each school year, includes one writing prompt from the writing portion of the RISE English language arts assessment for grades 5 and 8.

(11) "Statewide assessment" means the:

(a) the same as that term is defined in Subsection 53E-4-301(2);

(b) Utah alternate assessment; and

(c) English language proficiency assessment.

(12) "Section 504 accommodation plan" means a plan:

(a) required by Section 504 of the Rehabilitation Act of 1973; and

(b) designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(13)(a) "Utah alternate assessment" means an assessment instrument:

(i) for a student in special education with a disability so severe the student is not able to participate in a statewide assessment even with an assessment accommodation or modification; and

(ii) that measures progress on the Utah core instructional goals and objectives in the student's IEP.

(b) "Utah alternate assessment" means, for English language arts, science and mathematics, the Dynamic Learning Maps (DLM).

(14) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

(a) an LEA and the Superintendent to electronically exchange an individual detailed student record; and

(b) electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-404-3. Incorporation of Standard Test Administration and Testing Ethics Policy by Reference.

(1) This rule incorporates by reference the Standard Test Administration and Testing Ethics Policy, [May 6, 2021]April 7, 2022, which establishes:

(a) the purpose of testing;

(b) the statewide assessments to which the policy applies;(c) direction to reference the formative tools' guidance documentation;

(d) teaching practices before assessment occurs;

(e) required procedures for after an assessment is complete and for providing assessment results;

(f) unethical practices;

(g) accountability for ethical test administration;

(h) procedures related to testing ethics violations; and

(i) additional resources.

(2) A copy of the Standard Test Administration and Testing Ethics Policy is located at:

(a) https://schools.utah.gov/assessment?mid=1104&tid=4 and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-404-4. Superintendent Responsibilities.

(1) The Superintendent shall facilitate:

(a) administration of statewide assessments; and

(b) participation in NAEP, in accordance with Subsection 53E-4-302(1)(b).

(2) The Superintendent shall provide guidelines, timelines, procedures, and assessment ethics training and requirements for all statewide assessments.

(3) The Superintendent shall designate a testing schedule for each statewide assessment and publish the testing window dates on the Board's website before the beginning of the school year.

R277-404-5. LEA Responsibilities - Time Periods for Assessment Administration.

(1)(a) Except as provided in Subsection (1)(b) and Section R277-404-7 an LEA shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.

(b) A student's IEP team, English Learner team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.

(2) An LEA shall develop a plan to administer statewide assessments.

(3) The plan shall include:

(a) the dates that the LEA will administer each statewide assessment;

(b) professional development for an educator to fully implement the assessment system;

(c) training for an educator, appropriate paraprofessional, or third party proctor in the requirements of assessment administration ethics; and

(d) training for an educator and an appropriate paraprofessional to use statewide assessment results effectively to inform instruction.

(4) An LEA shall submit the plan to the Superintendent by September 15 annually.

(5) At least once each school year, an LEA shall provide professional development for all educators, administrators, and assessment administrators, including third party proctors, concerning guidelines and procedures for statewide assessment administration, including educator responsibility for assessment security and proper professional practices.

(6) LEA assessment staff or third party proctor staff shall use the Standard Test Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors.

(7) An LEA may not release statewide assessment data publicly until authorized to do so by the Superintendent.

(8) An LEA educator, third party proctor, or trained employee shall administer statewide assessments consistent with the testing schedule published on the Board's website.

(9) An LEA educator, third party proctor, or trained employee shall complete all required assessment procedures [prior to]before the end of the assessment window defined by the Superintendent.

(10)(a) If an LEA requires an alternative schedule with assessment dates outside of the Superintendent's published schedule, the LEA shall submit the alternative testing plan to the Superintendent by September 15 annually.

(b) The alternative testing plan shall set dates for assessment administration for courses taught face-to-face or online.

R277-404-6. School Responsibilities.

(1) An LEA may not prohibit a student from enrolling in an honors, advanced placement, or International Baccalaureate course:

(a) based on a student's score on a statewide assessment; or

(b) because the student was exempted from taking a statewide assessment.

(2) An LEA and school shall require an educator, assessment administrator, and proctor, including a third party proctor, to individually sign a document provided by the Superintendent acknowledging or assuring that the educator administers statewide assessments consistent with ethics and protocol requirements.

(3) An educator and assessment administrator shall conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the Superintendent.

(4) An educator, assessment administrator, and proctor shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, and the Standard Test Administration and Testing Ethics Policy.

R277-404-7. Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions.

(1) As used in this section, "penalize" means to put in an unfavorable position or at an unfair disadvantage.

(2)(a) A parent is primarily responsible for a child's education and has the constitutional right to determine which aspects of public education the child participates in, including assessment systems.

(b) Parents may further exercise their inherent rights to exempt their children from a statewide assessment without further consequence by an LEA.

(3)(a) A parent may exercise the right to exempt their child from a statewide assessment.

(b) Except as provided in Subsection (3)(c), an LEA may not penalize a student who is exempted from a statewide assessment under this section.

(c) If a parent exempts the parent's child from the basic civics test required in Sections 53E-4-205 and R277-700-8, the parent's child is not exempt from the graduation requirement in Subsection 53E-4-205(2), and may not graduate without successfully completing the requirements of Sections 53E-4-205 and R277-700-8.

(4)(a) To exercise the right to exempt a child from a statewide assessment under this provision and ensure the protections of this provision, a parent shall:

(i) fill out:

(A) the Parental Exclusion from State Assessment Form provided on the Board's website; or

(B) an LEA specific form as described in Subsection (4)(b); and

(ii) submit the form:

(A) to the principal or LEA either by email, mail, or in person; and

(B) on an annual basis; and

(C) except as provided in Subsection (4)(b), at least one day [prior to]before the beginning of the assessment.

(b) An LEA may allow a parent to exempt a student from taking a statewide assessment less than one day [prior to]before the beginning of the assessment upon parental request.

(c) An LEA may create an LEA specific form for a parent to fill out as described in Subsection (4)(a)(i)(B) if:

(i) the LEA includes a list of local LEA assessments that a parent may exempt the parent's student from as part of the LEA specific form; and

(ii) the LEA specific form includes [all of the]information described in the Parental Exclusion from State Assessment Form provided on the Board's website as described in Subsection (4)(a)(i)(A).

(5)(a) A teacher, principal, or other LEA administrator may contact a parent to verify that the parent submitted a parental exclusion form described in Subsection (4)(a)(i).

(b) An LEA may request, but may not require, a parent to meet with a teacher, principal, or other LEA administrator regarding the parent's request to exclude the parent's student from taking a statewide assessment.

(6) The administration of any assessment that is not a statewide assessment, including consequences associated with taking or failing to take the assessment, is governed by policy adopted by each LEA.

(7) An LEA shall provide a student's individual test results and scores to the student's parent or guardian upon request and consistent with the protection of student privacy.

(8) An LEA may not provide a nonacademic reward to a student for a student's participation in or performance on a statewide assessment.

(9) An LEA shall allow an educator to provide an academic incentive for a student's performance on a statewide assessment in accordance with Subsections 53E-4-303(4)(b), 304(3), and 305(4).

(10) An LEA shall ensure that a student who has been exempted from participating in a statewide assessment under this section is provided with an alternative learning experience if the student is in attendance during test administration.

(11) An LEA may allow a student who has been exempted from participating in a statewide assessment under this section to be physically present in the room during test administration.

R277-404-8. Public Education Employee Compliance with Assessment Requirements, Protocols, and Security.

(1) An educator, test administrator or proctor, administrator, or school employee may not:

(a) violate any specific assessment administrative procedure specified in the assessment administration manual, violate any state or LEA statewide assessment policy or procedure, or violate any procedure specified in the Standard Test Administration and Testing Ethics Policy;

(b) fail to administer a statewide assessment;

(c) fail to administer a statewide assessment within the designated assessment window;

(d) submit falsified data;

(c) allow a student to copy, reproduce, or photograph an assessment item or component; or

(f) knowingly do anything that would affect the security, validity, or reliability of statewide assessment scores of any individual student, class, or school.

(2) A school employee or third party proctor shall promptly report an assessment violation or irregularity to a building administrator, an LEA superintendent or director, or the Superintendent.

(3) An educator who violates this rule or an assessment protocol is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with <u>Rule R277-215</u>.

(4) All assessment material, questions, and student responses for required assessments is designated protected, consistent with Subsection 63G-2-305(5), until released by the Superintendent.

(5)(a) Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to Superintendent following testing, as required by the Superintendent.

(b) An individual educator, third party proctor, or school employee may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

R277-404-9. Data Exchanges.

(1) The Board's IT Section shall communicate regularly with an LEA regarding the required format for electronic submission of required data.

(2) An LEA shall update UTREx data using the processes and according to schedules determined by the Superintendent.

(3) An LEA shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements established in Rule R277-484.

(4) The Superintendent shall provide direction to an LEA detailing the data exchange requirements for each statewide assessment.

(5) An LEA shall ensure that all statewide assessment data have been collected and certify that the data are ready for accountability purposes no later than July 12.

(6) An LEA shall verify that it has satisfied all the requirements of the Superintendent's directions described in this section.

(7) Beginning with the [2021-]2022-2023 school year and consistent with Utah law, the Superintendent shall return assessment results from all statewide assessments to the school before the end of the school year.

KEY: assessments, student achievements Date of Last Change: [July 20, 2021]2022 Notice of Continuation: July 28, 2021 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-4-302; 53E-3-401(4); 53G-6-803(9)(b)

NOTICE OF PROPOSED RULE				
TYPE OF RULE: Ar	nendment			
Utah Admin. Code Ref (R no.):	R277-406	Filing ID 54634		

Agency Information

J,				
1. Department:	Education			
Agency:	Administration			
Building:	Board of	f Education		
Street address:	250 E 50	00 S		
City, state and zip:	Salt Lake City, UT 84111			
Mailing address:	PO Box 144200			
City, state and zip:	Salt Lake City, UT 84114-4200			
Contact person(s):				
Name:	Phone:	Email:		
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-406. Early Learning Program and Benchmark Assessments

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this rule is to give the Utah State Board of Education (USBE) staff flexibility in responding to on-going issues resulting from the COVID-19 pandemic.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule authorizes the Superintendent to modify testing and reporting deadlines for Reading and Mathematics Benchmark assessments.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. It only applies to flexibility for local education agencies (LEAs) in testing and reporting deadlines.

B) Local governments:

This rule change is not expected to have increased fiscal impact on local governments' revenues or expenditures. This amendment allows for flexibility in response to circumstances resulting from the ongoing COVID-19 pandemic as applicable to testing and reporting deadlines. There are no new costs or reports.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. It only applies to LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,

association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It only applies to LEAs.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This will not cost LEAs anything, it simply adds flexibility.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Degulatory Impact Table

Regulatory Impact Table					
Fiscal Cost	FY2022	FY2023	FY2024		
State Government	\$0	\$0	\$0		
Local Governments	\$0	\$0	\$0		
Small Businesses	\$0	\$0	\$0		
Non-Small Businesses	\$0	\$0	\$0		
Other Persons	\$0	\$0	\$0		
Total Fiscal Cost	\$0	\$0	\$0		
Fiscal Benefits					
State Government	\$0	\$0	\$0		
Local Governments	\$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	
B) Department head approval of regulatory impact				

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53E-4-307	Subsection 53F-2-503(14)(a)
Subsection 53E-3-401(4)	Section 53E-4-307.5	Section 53E-3-521

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee, and title:	Deputy Superintendent of Policy		

R277. Education, Administration.

R277-406. Early Learning Program and Benchmark Assessments.

R277-406-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53F-2-503(14)(a), which directs the Board to develop rules for implementing the Early Learning Program;

(d) Section 53E-3-521, which requires the board to define the components of the early mathematics plan and establish a statewide target using data from the mathematics benchmark assessment; and

(e) Section 53E-4-307, which requires the Board to approve a benchmark assessment for statewide use to assess the reading and mathematics competency of students in grades one, two, and three.

(2) The purpose of this rule is to outline the responsibilities of the Superintendent and LEAs for implementation of Section 53F-2-503 and the Board's administration of Early Learning in the state, including to:

(a) set expectations for LEA Early Learning Plans;

(b) establish timelines for LEA Early Learning Plans;

(c) provide definitions and designate assessments required in Sections 53E-4-307 and 53E-4-307.5;

(d) provide testing reporting windows, and timelines; and
 (e) require LEAs to submit student reading and mathematics assessment data to the Board.

R277-406-2. Definitions.

(1) "Benchmark reading assessment" means the Acadience Reading assessment that:

(a) is given three times each year;

(b) gives teachers information to:

(i) plan appropriate instruction; and

(ii) evaluate the effects of instruction; and

(c) provides data about student preparation for success on an end of year criterion referenced test.

(2) "Benchmark mathematics assessment" means the Acadience Math assessment that:

(a) is given three times each year;

(b) gives teachers information to:

(i) plan appropriate instruction; and

(ii) evaluate the effects of instruction; and

(c) provides data about student preparation for success on an end of year criterion referenced test.

(3) "Components of early mathematics" means the key areas of mathematical learning including:

(a) conceptual understanding;

(b) procedural fluency;

(c) strategic and adaptive mathematical thinking; and

(d) productive disposition.

(4) "Conceptual understanding" means the comprehension and connection of concepts, operations, and relations.

(5) "Evidence-based" means a strategy that has demonstrated a statistically significant effect on improving student outcomes.

(6) "Parental notification requirements" means notice by any reasonable means, including electronic notice, notice by telephone, written notice, or personal notice.

(7) "Plan" means the Early Learning plan described in Section 53G-7-218.

(8) "Procedural fluency" means the meaningful, flexible, accurate, and efficient use of procedures to solve problems.

(9) "Productive disposition" means the attitude of a student who sees mathematics as useful and worthwhile while exercising a steady effort to learn mathematics.

(10) "Program money" means the same as that term is defined in Section 53F-2-503.

(11) "Scoring below or well below benchmark" means that a student:

(a) performs below or well below the benchmark score on the benchmark reading or benchmark mathematics assessment; and

(b) requires additional instruction beyond that provided to typically-developing peers to close the gap between the student's current level of achievement and that expected of all students in that grade.

(12) "Remediation interventions" means reading or mathematics instruction or activities, or both, given to students in addition to their regular instruction, during another time in the school day, outside regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.

(13) "Strategic and adaptive mathematical thinking" means the ability to formulate, represent, and solve mathematical problems with the capacity to justify the logic used to arrive at the solution.

(14) "Utah eTranscript and Record Exchange" or "UTREx" means the same as that term is defined in Section R277-404-2.

R277-406-3. Benchmark Reading and Mathematics Assessments.

(1) Subject to legislative appropriations, and except as provided in Subsection (2), an LEA shall administer the benchmark reading and mathematics assessments in grade 1, grade 2, and grade 3 annually within the following testing windows:

(a) the first benchmark between the first day of school and September 30;

(b) the second benchmark between December 1 and January 31; and

(c) the third benchmark between April 15 and June 15.

(2) An LEA shall annually report benchmark reading and mathematics assessment results to the Superintendent by:

(a) October 30;

(b) February 28; and

(c) June 30.

(3) If the benchmark reading or mathematics assessment indicates a student is scoring below or well below benchmark:

(a) for reading, the LEA shall implement the parental notification requirements and evidence-based reading remediation interventions described in Section 53E-4-307;

(b) for mathematics, the LEA shall implement parental notification requirements similar to those described for reading in Subsection (4)(a) and evidence-based reading remediation interventions.

(4) An LEA shall report benchmark reading and mathematics assessment results annually to parents of students in grade 1, grade 2, and grade 3 by:

(a) October 30;

(b) February 28; and

(c) June 30.

(5) An LEA shall annually submit to UTREx the following information from the benchmark reading and mathematics assessment:

(a) whether or not each student received remediation intervention; and

(b) UTREx Special Codes related to the benchmark reading and mathematics assessment.

(6) Notwithstanding this R277-406-3, for the 2021-22 and 2022-23 school years, in response to circumstances resulting from the COVID-19 pandemic, the Superintendent may:

(a) waive testing and reporting deadlines established in this section; and

(b) determine alternate testing and reporting deadlines.

R277-406-4. Early Learning Plans -- LEA and Superintendent Requirements - Timelines.

(1) To receive program money, an LEA shall submit:

(a) a plan in accordance with [-Subsections]:

(i) <u>Subsection</u> 53F-2-503(4); and

(ii[i]) <u>Section 53G-7-218; and</u>

(b) a plan that contains the components of early mathematics; and

(b) other required materials within established deadlines.

(2)(a) Any time before August 1, an LEA may submit its plan to the Superintendent for pre-approval; and

(b) For each LEA that submits a plan for pre-approval, the Superintendent shall provide feedback in preparation for the LEA submitting the plan to its local board;

(3) An LEA shall submit a final plan to the Superintendent no later than September 1 by 5[:00] p.m. including:

(a) documentation that:

(i) the LEA's governing board reviewed and approved the LEA's plan in an open and public meeting; and

(ii) the plan was uploaded to the appropriate system as required by the Superintendent; and

(b) if necessary, a revised plan reflecting changes made to the LEA's plan by the LEA's governing board.

(4) Within three weeks of an LEA submitting a final, local board-approved plan to the Superintendent, the Superintendent shall notify the LEA if the plan was approved or if modifications to the plan are required.

(5) If the Superintendent does not approve an LEA's plan, the LEA may, by October 15:

(a) incorporate needed changes or provisions;

(b) obtain approval for the amended plan from the LEA's governing board; and

(c) resubmit the amended plan in accordance with Subsection (3)(a) of this part.

(6) If an LEA timely resubmits a plan that includes the required modifications, the Superintendent shall approve the plan by November 1.

(7) If an LEA fails to timely resubmit an acceptable plan by October 15, the LEA is not eligible for funding in the current school year.

(8) When reviewing an LEA plan for approval, the Superintendent shall evaluate:

(a) the extent to which the LEA's goals within the plan are ambitious, yet attainable; and

(b) whether the plan uses evidence-based curriculum, materials, and practices, which will support the LEA in meeting its growth goals.

(9) An LEA's goals, as outlined in the LEA's plan, shall be reported to the Superintendent using a digital reporting platform.

R277-406-5. Accountability and Reporting on Early Learning Plans.

(1) An LEA shall annually report progress toward the goals outlined in the LEA's plan to the Superintendent by June 30.

(2) In accordance with Sections 53F-2-503 and 53G-7-218, a growth goal in an LEA's plan:

(a) is calculated using the percentage of students in an LEA's grades 1 through 3 who made typical, above typical, or well-

above typical progress from the beginning of the year to the end of the year, as measured by the benchmark reading and mathematics assessment;

(b) sets the literacy target percentage of students in grades 1 through 3 making typical or better progress at a minimum of 60%; and

(c) sets the mathematics target percentage of students in grades 1 through 3 making typical or better progress at a minimum of 60% beginning in the 2021-2022 school year.

(3) The Superintendent shall use the information provided by an LEA described in S[ubs] ection R277-406-4 to determine the progress of each student in grades 1 through 3 within the following categories:

(i) well-above typical;

(ii) above typical;

(iii) typical;

(iv) below typical; or

(v) well[-] below typical.

(4) If an LEA does not make sufficient progress toward its plan goals for two consecutive years, as defined in Subsection (5), the Superintendent shall assign the LEA to the Early Learning System of Support and require the LEA to participate in interventions to improve early literacy, early mathematics, or both.

(5) Accept as provided for in Subsection (6), consistent with Section 53G-7-218, sufficient progress toward plan goals means the LEA meets:

(a) the state's growth goals for literacy and math; and

(b) at least one of the LEA-designated goals addressing performance gaps.

(6) The Superintendent shall establish the strategies, interventions, and techniques for schools that are part of the Early Learning System of Support to assist schools to achieve early learning goals.

KEY: reading, improvement, goals

Date of Last Change: [May 11,] 2022

Notice of Continuation: January 13, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-521; 53E-4-307; 53E-4-307.5; 53F-2-503(14)(a)

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TYPE OF RULE: Amendment					
Utah Admin. Code Ref (R no.):	R277-410	Filing ID 54622			

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

Contact person(s):				
Name:	Phone:	Email:		
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov		
Please address	augetione	regarding information on this		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-410. Accreditation of Schools

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of changing the rule is to update certain requirements to reflect current practices.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The rule change specifies that the Superintendent will establish Utah-specific assurances that are to be followed by an accrediting body.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This change reflects current practice and does not add costs for the Utah State Board of Education (USBE) or other state agencies.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This change reflects current practice and does not add costs for local education agencies (LEAs) or other local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This change only affects USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable nonsmall businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This change reflects current practice and has no additional compliance costs for USBE or LEAs.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table				
Fiscal Cost	FY2022	FY2023	FY2024	
State Government	\$0	\$0	\$0	
Local Governments	\$0	\$0	\$0	
Small Businesses	\$0	\$0	\$0	
Non-Small Businesses	\$0	\$0	\$0	
Other Persons	\$0	\$0	\$0	

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

 B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	Subsection
Section 3	53E-3-501(1)(c)	53E-3-401(4)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-410. Accreditation of Schools.

R277-410-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law: and

(c) Section 53E-3-501, which directs the Board to establish rules governing school accreditation.

(2) The purpose of this rule is to require qualifying secondary schools to be accredited.

R277-410-2. Definitions.

For the purposes of this rule:

"Qualifying secondary school" means a public school that:

(1) includes any of grades 9-12; or

(2) offers credits toward high school graduation.

R277-410-3. Accreditation of Public Schools.

(1) A qualifying secondary school shall obtain accreditation from a regional accrediting body.

(2) If a qualifying secondary school does not obtain accreditation before the beginning of the school's second year of operation, the credit awarded by the qualifying secondary school is considered earned from a non-accredited source as described in Section R277-705-3:

(a) for the school's first year of operation; and

(b) until the school becomes accredited.

(3)(a) [In addition to standards set by an accrediting body, the]<u>The</u> Superintendent shall establish Utah-specific assurances demonstrating compliance with state law and Board rule<u>to be</u> <u>followed by the accrediting body</u>.

(b) The Superintendent shall ensure that qualified secondary schools meet the Utah-specific assurances described in Subsection (3)(a).

(4) The Superintendent may require on-site visits as part of the accreditation process.

R277-410-4. Transfer or Acceptance of Credit.

(1) A qualifying secondary school shall accept transfer credits from an accredited qualifying secondary school consistent with Section 53G-7-206 and Section R277-705-3.

(2) A qualifying secondary school may accept transfer credits from other credit sources consistent with Section R277-705-3.

KEY: accreditation, public schools, nonpublic schools Date of Last Change: <u>2022[August 7, 2017]</u>

Notice of Continuation: June 6, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(c); 53E-3-401(4)

NOTICE OF PROPC	SED RULE	
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-465	Filing ID 54629

NOTICES OF PROPOSED RULES

Agency Information

Agency information			
1. Department:	Education		
Agency:	Administration		
Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact person(s):			
Name:	Phone: Email:		
Angie Stallings	801- angie.stallings@schools.utah 538- gov 7830		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-465. CPR in Schools

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of the rule is to require that Cardiopulmonary Resuscitation (CPR) trainings are offered at least once in grades 9-12 as part of the Health Education Core Curriculum.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule establishes the requirements for a grant program for local education agencies (LEAs) to provide certified instructors when training in CPR. This rule also defines the specific criteria for the grant, including distribution, and how the funds should be prioritized based on demonstrated needs of a LEA. This rule also requires that the CPR training needs to be in alignment with Health Education Core Standards.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. It makes no budget changes, it simply adds an application for grant funds.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This change simply adds an application for grant funds to LEAs. They will still be able to qualify for the funds and there are no budget changes.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no rule requirements that would cause any compliance costs.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

,			
Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

 B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	Subsection
Section 3	53E-3-401(4)	53G-10-408(2)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the

agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-465. CPR in Schools.

R277-465-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53G-10-408(2), which requires the Board to make rules to develop and implement cardiopulmonary resuscitation (CPR) training as part of the core curriculum standards for instruction in health.

(2) The purpose of this rule is to provide:

(a) the requirements for the teaching of CPR in the health standards; and

(b) the criteria and distribution method for CPR training grants.

R277-465-2. Definitions.

(1) "Cardiopulmonary resuscitation" or "CPR" means the same as the term is defined in Subsection 53G-10-408(1)(b).

(2) "Psychomotor skills" means the same as the term is defined Subsection 53G-10-408(1)(e).

(3) "Specific material" means any material used by an LEA to comply with the Health Education Core Standards related to CPR.

R277-465-3. CPR Health Standards Requirements.

(1) An LEA shall provide the CPR instruction consistent with the Health Education Core Standards and as required in Subsection 53G-10-408(5):

(a) using a certified CPR instructor;

(b) following a current Emergency Cardiovascular Care (ECC) guidelines for CPR; and

(c) using cognitive and psychomotor skills training.

(2) An LEA shall provide the CPR instruction using the following ratios as closely as possible:

(a) a student to instructor ratio of no greater than 15:1; and
(b) a mannequin to student ratio no greater than 1:6.

(3) An LEA shall provide the CPR instruction at least once to each student between grades 9 through 12 except as provided for in Subsection 53G-10-408(7).

(4) An LEA is not required to provide the psychomotor skills instruction if the student is in an online-only educational experience.

R277-465-4. CPR Training Grant Program.

(1) An LEA may apply to receive CPR training grant funds. (2) If an LEA chooses to apply for grant funds the LEA shall submit the following information as part of the LEA's

application: (a) LEA name;

(b) point of contact to oversee the use of the funds;

(c) the number of students the LEA will provide training;

(d) the total amount of requested funds; and

(e) which of the allowable uses of funding as described in Subsection (4) of this part the LEA plans to utilize.

(3) Except as provided for in Subsection (6), an LEA may not receive more than \$6 per student as the LEA's total award under this grant program.

(4) An LEA may only use awarded funds for the following purposes:

(a) to contract with the local emergency management system for a certified instructor;

(b) to certify an LEA employee as an instructor; or

(c) to contract with a third party or group who specializes in CPR and AED instruction to provide the instruction.

(5) Subject to legislative appropriation, an LEA may also apply to receive funds to replace or purchase specific materials or equipment for the CPR instruction.

(6) The Superintendent shall distribute the funds described in Subsection (5) to an LEA in an amount proportionate to the LEA's number of students compared to the total number of students of all LEAs applying for specific materials or equipment grant.

(7) The Superintendent may adjust the amount an LEA receives for a specific materials or equipment grant if the LEA demonstrates greater need through:

(i) lack of enough necessary materials or equipment;

(ii) low quality or deteriorated materials or equipment; and (iii) an extended period since the last update or purchase

of materials or equipment.

KEY: health standards; CPR; cardiopulmonary resuscitation Date of Last Change: 2022

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-408(2)

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code R277-476 Filing ID Ref (R no.): 54630			

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	

Street address:	250 E 5	250 E 500 S	
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box	PO Box 144200	
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact person(s):		
Name:	Phone:	Email:	
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-476. Civic Engagement Pilot Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The reason for the rule changes are to provide updated requirements in alignment with legislation passed in the 2022 General Session. The updates are related to the eligibility requirements, application process and reporting criteria for a local civics education program.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule is being amended to increase the funding cap and requires a grant receiving local education agency (LEA) to track the planned outcomes and measures and report back to the Utah State Board of Education (USBE) regarding the outcomes achieved. It is also being amended to update the name of the grant program to Local Innovations Civics Education Pilot Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This change updates definitions and makes technical changes that do not impact USBE or other state agency budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This change updates definitions and makes technical changes that do not impact LEA or other local government budgets. **C) Small businesses** ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to LEAs and USBE.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no changes to agency processes or staffing needs.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
₋ocal Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Fotal Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
.ocal Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Fotal Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	Section
Section 3	53E-3-401(4)	53G-10-204

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10.	This	rule	change	MAY	07/22/2022
beco	ome e	ffect	ive on:		

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-476. <u>Local Innovations Civics Education Pilot</u> <u>Program[Civics Engagement Pilot Program]</u>. R277-476-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section [53G-10-204]53F-5-219, which directs the Board to make rules creating a [eivies engagement project]local innovations civics education program that complies with the Utah Core Standards, establish eligibility for the program, and establish an application process.

(2) The purpose of this rule is to:

(a) create a pilot [<u>eivies engagement project</u>]<u>local</u> innovations civics education program;

(b) establish eligibility requirements to participate in the program;

(c) create an application process; and

(d) establish reporting criteria.

R277-476-2. Definitions.

[(1) "Civic disposition" means a student's desire to actively participate in civic processes at any level of government.

(2) "Civie engagement project" or "project" means the same as the term is defined in Subsection 53G-10-204(1).]

([3]1) "Civic knowledge" means a student's grasp of governmental processes and core concepts of representative government including:

(a) ways citizens can play a role in civic life;

(b) respect and understanding for the Declaration of Independence and The Constitution of the United States and the State of Utah;

(c) the values and principles of a constitutional republic; and

(d) an acquisition of civic values including those outlined in Subsection 53G-10-204(3).

([4]2) "Civic skills" means a student's capability to use acquired skills effectively to participate in civic life, including abilities to think critically, communicate effectively, problem-solve, and work collaboratively.

(3) "Evidenced informed" means the same as the term is defined in Subsection 53F-5-219(1)(c) including:

(a) explicit instruction;

(b) scaffolded supports.

R277-476-3. Civics Project Requirements--Eligibility and Application.

(1) Subject to legislative appropriation, an LEA may apply for a three-year pilot civics engagement project grant.

(2) An LEA's [application]proposal submission shall contain the following:

(a) a budget proposal for the use of funds;

(b) the number of schools, teachers, and projected students participating in the grant program within the LEA;

(c) the LEA's goals and outcome measures for the program; and

(d) the LEA's plan to create and implement a program including:

(i) how the LEA's [projects]proposal aligns with:

(A) [the U.S. Government strands within the Utah Core Standards for Social Studies]Subsections 53F-5-219(2) and (3);

(B) Section 53G-10-204;

(C) Section 53G-10-302;[-and]

(D) Subsection 53G-10-304(2); and

(E) Subsection 53F-5-219(3);

(ii) opportunities for student reflection; [-and]

(iii) opportunities for parent feedback of a participating student; and

 $(i[\underline{ii}]\underline{v})$ opportunities for public student presentations: and[-]

(e) the specific evidenced informed innovations the LEA intends to deploy to achieve the LEA's proposal and related goals; and

(f) if the LEA intends to contract with a third party provider to implement the proposal.

(3) An LEA's [application]proposal shall be scored and ranked based upon the following:

(a) the quality of the LEA's overall budget <u>and proposal</u>[and plan] as described in Subsection (2); and

(b) the criteria described in Subsections 53F-5-219(3)(b) and (c)[an LEA's geographic and student diversity including;

(i) urban student settings;

(ii) suburban student settings; and

(iii) rural student settings].

(4) A participating LEA is not exempt from the civics test requirement described in Section 53E-4-205.

(5) A participating LEA shall ensure the program is run in accordance with Section [53G-10-202]53F-5-219.

(6) The Superintendent shall specify all relevant deadlines for the proposal submission and annual progress report described in Section R277-476-4.

R277-476-4. Performance Measures and Reporting.

(1) An LEA shall submit to the Superintendent an annual progress report by the date and in a manner prescribed by the Superintendent.

(2) The annual progress report shall report on all performance measures and data requested by the Superintendent including:

(a) <u>the criteria described in Subsection R277-476-</u> 3(2)[civic disposition of participating students];

(b) project impact on civic knowledge;

(c) enhancement of civic skills;

(d) the LEA's goals and outcome measures;

(e) project categories and types; and

(f) other relevant experiential data.

(3) An LEA may use a board-approved online provider to collect performance measures and outcome data.

(4) The Board shall approve a contract for a third party provider pursuant to Subsection 53F-5-219(5) and an approved contractor shall provide an annual report to the Board.

R277-476-5. Distribution and Use of Funds.

(1) An LEA may receive up to the LEA's requested amount not to exceed [\$40,000]an amount determined by the Superintendent using the criteria described in Subsections R277-476-3(2) and (3).

(2) An LEA shall use funds only for the purposes specified in the LEA's [application and plan]proposal.

(3) An LEA may submit a request to amend the LEA's [budget]proposal to the Superintendent.

(4) An LEA may not use funds for:

- (a) purchase of property;
- (b) new equipment;
- (c) maintenance of current equipment; or
- (d) travel expenses.

KEY: civics, civics engagement project, social studies. Date of Last Change: [July 9, 2020]2022 Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-10-204

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-477	Filing ID 54625

Agency Information

Agency information			
1. Department:	Education		
Agency:	Administration		
Building:	Board of	f Education	
Street address:	250 E 50	00 S	
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact person(s):		
Name:	Phone: Email:		
Angie Stallings	801- angie.stallings@schools.utał 538- gov 7830		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program **3.** Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this rule amendment is to update a reporting deadline and to whom the Superintendent is required to submit an annual report.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule updates the annual reporting deadline for a school receiving School LAND Trust program funds to submit a membership form and requires the Superintendent to provide a written report to the Board Finance Committee on compliance review findings and other compliance issues.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This change requires a simple written report from the Utah State Board of Education (USBE) staff to the USBE finance committee but does not impact budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The changes do not impact LEA budgets and only apply to USBE duties.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. No small business are affected; only USBE.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This will not add measurable costs for USBE.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory In	npact Table)	
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Section 53E-3-401	Section 53F-2-404
Section 3		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee, and title:	Deputy Superintendent of		
	Policy		

R277. Education, Administration.

R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program. R277-477-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of:

(a) the Common School Trust;

(b) the School for the Deaf Trust; and

(c) the School for the Blind Trust.

(3) The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Section 53G-7-1206, Rule R277-491, and this Rule R277-477.

(4) The purpose of this rule is to:

(a) provide financial resources to a public school to implement a component of a school's Teacher and Student Success Plan to enhance and improve student academic achievement;

(b) provide a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school;

(c) provide direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404;

(d) provide for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board;

(e) provide for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds;

(f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and

(g) define the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust.

R277-477-2. Definitions.

(1) "Approving entity" means a school district board or a charter authorizer consistent with Section 53G-7-1206.

(2)(a) "Charter trust land council" means a council comprised of a two person majority of parents or grandparents of students attending the charter school, elected by parents of students attending the charter school, convened to act in lieu of the school community council for the charter school.

(b) "Charter trust land council" includes a charter school governing board if:

(i) the charter governing board meets the two-parent majority requirement; and

(ii) the charter school governing board chooses to serve as the charter trust land council.

(3) "Council" means a school community council or a charter trust land council.

(4) "Digital citizenship" means the same as that term is defined in Section 53G-7-1202.

(5) "Fall enrollment report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report of the previous year.

(6) "Funds" means School LAND Trust program funding as defined in Section 53F-2-404.

(7) "Most critical academic need" means an academic need, consistent with the core standards in Rule R277-700, identified by a council through the annual review of schoolwide assessment data and other relevant indicators.

(8) "Parent," for a charter school, includes a grandparent of a student currently enrolled at the school.

(9)(a) "Principal" means an administrator licensed as a principal in the state and employed in that capacity at a school.

(b) "Principal" includes the director of a charter school.

(10) "Sample" means:

(a) one-third of schools within a district;

(b) at least ten schools; and

(c) all schools if there are less than ten schools in a district. (11) "Satellite charter school" has the same meaning as that

term is defined in Section R277-550-2.

(12) "School safety principles" has the same meaning as described in Section 53G-7-1202.

(13) "Student" means a child in public school grades kindergarten through 12 counted on the fall enrollment report of an LEA.

(14) "Teacher and Student Success Plan" or "TSSP" means the plan required of each school under Section 53G-7-1305.

(15) "Trust Distribution Account" means the restricted account within the Uniform School Fund created under Subsection 53F-9-201(2).

(16) "UPEFS" means the Utah Public Education Finance System.

(17) "Website" means the School LAND Trust website.

R277-477-3. Distribution of Funds - Local Board or Local Charter Board Approval of School LAND Trust Plans.

(1) A public school receiving School LAND Trust program funds shall have:

(a) a school community council as required by Section 53G-7-1202 and Rule R277-491;

(b) a charter school trust land council as required by Section 53G-7-1205; or

(c) an approved exemption under this rule.

(2) Notwithstanding Subsection (1)(a), the USDB Advisory Council may fill the responsibilities of a school community council for USDB.

(3) A public school receiving School LAND Trust program funds shall submit a membership form[-consistent]_demonstrating compliance with the required membership in Subsection (1) that includes a principal assurance consistent with Subsection 53G-7-1206(3)(c) by October [\pm]20 annually.

(4) A charter school that elects to receive School LAND Trust funds shall:

(a) have a charter trust land council consistent with Section 53G-7-1205; and

(b) receive training about Section 53G-7-1206.

(5) A charter trust land council that is not a charter governing board shall:

(a) be subject to Section 53G-7-1203;

(b) have parent or grandparent members elected by parents of students attending the charter school; and

(c) post the following items on the school's website by October [+]20 annually:

(i) an invitation to parents to serve on the Charter Trust Land Council;

(ii) the dollar amount the school receives each year from the School LAND Trust program;

(iii) a copy or link to the current Teacher and Student Success Plan;

(iv) approved minutes of Charter Trust Land Council meetings for at least a year;

(v) the proposed council meeting scheduled for the school year;

(vi) a means to contact the members of the school's Charter Trust Land Council directly;

(vii) a link or copy of the final reports of the school for the last two years, as required by Subsection 53G-7-1206(5);

(viii) a link or copy of the school plan for the current year.

(6) A charter school that is a small or special school may receive an exemption from the charter land trust council composition requirements contained in Section 53G-7-1205 upon application to the school's authorizer if the small or special school demonstrates and documents a good faith effort to recruit members to the charter trust land council.

(7) The principal of a charter school that elects to receive School LAND Trust funds shall submit a plan, approved by the school's governing board, to the approving entity on the School LAND Trust website:

(a) no later than April 1 for schools authorized by the State Charter School Board; or

(b) for a newly opening charter school, no later than November 1 in the school's first year to receive funding in the year the newly opening charter school opens.

(8)(a) An approving entity:

(i) shall consider a plan annually; and

(ii) may approve or disapprove a school plan.

(b) If an approving entity does not approve a plan, the approving entity shall:

(i) provide a written explanation why the approving entity did not approve the plan; and

(ii) request that the school revise the plan, consistent with Subsection 53G-7-1206(4)(d).

(9)(a) To receive funds, the principal of a public school shall submit a School LAND Trust plan to the approving entity annually through the School LAND Trust website using the form provided.

(b) The Board may grant an exemption to a school using the Superintendent-provided form, described in Subsection (8)(a), on a case-by-case basis.

(10) In addition to the requirements of Subsection (7), the School LAND Trust plan described in Subsections (6) and (8)(a) shall include the date the council voted to approve the plan.

(11)(a) The principal of a school shall ensure that a council member has an opportunity to provide a signature indicating the member's involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year.

(b) The principal shall collect a council member's signature digitally through the website.

(c) An approving entity may design the approving entity's own form to collect the information required by this Subsection (10).

(12)(a) An approving entity for a district school or a charter school authorized by an authorizer other than the State Charter School Board shall establish a timeline, including a deadline, for a school to submit a school's School LAND Trust plan.

(b) A timeline described in Subsection (10)(a) shall:

(i) require a school's School LAND Trust plan to be submitted to the approving entity with sufficient time so that the approving entity may approve the school's School LAND Trust plan no later than May 15 of each year; and

(ii) allow sufficient time for a council to reconsider and amend the council's School LAND Trust plan if the approving entity rejects the school's plan and still allow the school to meet the May 15 approving entity's approval deadline. (c) After an approving entity has completed the approving entity's review, the approving entity shall notify the Superintendent that the review is complete.

(d) For an LEA to receive its full distribution in July, the LEA shall submit plans with all required approvals online no later than May 15.

(13)(a) Prior to approving a plan, an approving entity shall review a School LAND Trust plan under the approving entity's purview to confirm that a School LAND Trust plan contains:

(i) academic goals;

(ii) specific steps to meet the academic goals described in Subsection (11)(a)(i);

(iii) measurements to assess improvement; and

(iv) specific expenditures focused on student academic improvement needed to implement plan goals.

(b) The approving entity shall determine whether a School LAND Trust plan is evidence based and consistent with the approving entity's pedagogy, programs, and curriculum.

(c) The president or chair of the approving entity shall provide training annually on the requirements of Section 53G-7-1206 to the members of the approving entity.

(14)(a) After receiving the notice described in Subsection (10)(c), the Superintendent shall review each School LAND Trust plan for compliance with the law governing School LAND Trust plans.

(b) The Superintendent shall report back to the approving entity concerning which School LAND Trust plans were found to be out of compliance with the law.

(c) An approving entity shall ensure that a School LAND Trust plan that is found to be out of compliance with the law by the Superintendent is amended or revised by the council to bring the school's School LAND Trust plan into compliance with the law.

(15) If an approving entity fails to comply with Subsection (12)(c), Superintendent may report the failure to the Audit Committee of the Board as described in Section R277-477-8.

R277-477-4. Appropriate Use of School LAND Trust Program Funds.

(1) Parents, teachers, and the principal, in collaboration with an approving entity, shall review school wide assessment data annually and use School LAND Trust program funds in data-driven and evidence[-]_based ways to improve educational outcomes, consistent with the academic goals of the school's teacher and student success plan framework under Section 53G-7-1304 and the priorities of the LEA governing board, including:

(a) strategies that are measurable and show academic outcomes with multi-tiered systems of support; and

(b) counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured.

(2) A school's School LAND Trust program expenditures shall have a direct impact on the instruction of students in the particular school's areas of most critical academic need and consistent with the academic priorities of the LEA's governing board:

(a) to increase achievement in:

- (i) English;
- (ii) language arts;
- (iii) mathematics; and
- (iv) science; and
- (b) for high schools to:
- (i) increase graduation rates; and
- (ii) promote college and career readiness.

(3) A school may not use School LAND Trust program funds for the following:

(a) costs related to district or school administration, including accreditation;

(b) expenses for:

- (i) construction;
- (ii) maintenance;
- (iii) facilities;
- (iv) overhead;
- (v) furniture;
- (vi) security; or
- (vii) athletics; or

(c) expenses for non-academic in-school, co-curricular, or extracurricular activities.

(4) A school that demonstrates appropriate progress and achievement consistent with the academic priorities of the LEA governing board outlined in Subsection (2) may request local board approval of a plan to address other academic goals if the plan includes:

(a) how the goal is in accordance with the core standards established in Rule R277-700;

(b) how the action plan for the goal is:

(i) data-driven;

(ii) evidence based; and

(iii) has a direct impact on the instruction of students consistent with Subsections (1) and (2);

(c) the data driving the decision to spend School LAND Trust funds for academic needs outlined in this Subsection (4); and

(d) the anticipated data source the school will use to measure progress.

(5) A council may budget and spend no more than \$7,000 for an academic goal or component of an academic goal than incorporates any combination of the following:

(a) digital citizenship training under Subsection 53G-7-1202(3)(a)(iii); or

(b) safety principles consistent with Subsection 53G-7-1202(3)(a)(v).

(6) A school district or local school board may not require a council or school to spend the school's School LAND Trust program funds on a specific use or set of uses.

(7) Student incentives implemented as part of an academic goal in the School LAND Trust program may not exceed \$2 per student in an academic school year.

R277-477-5. Distribution of Funds - Determination of Proportionate Share.

(1) An LEA shall report the prior year expenditure of distributions for each school.

(2) The total expenditures each year described in Subsection (1) may not be greater than the total available funds for an LEA.

(3)(a) In an unanticipated circumstance, a school within an LEA may be allowed a small advance from a school's allocation for the next fiscal year when:

 $({\rm i})\,$ the LEA has unspent School LAND Trust funds to cover the advance; and

(ii) the LEA governing board approves the advance.

(b) If a school receives an advance under Subsection (3)(a):

(i) the LEA shall decrease the beginning allocation to the school for the next fiscal year in the same amount as the advance; and

(ii) restore the same advance amount to the unspent School LAND Trust funds of the LEA.

(c) A school's beginning School LAND Trust funds balance for a new school year shall be:

(i) the school's allocation for the new school year;

(ii) minus any advance approved under Subsection (3)(a);

(iii) plus any carry-over from the prior year.

(4) A school district shall adjust the current year distribution of funds received from the School LAND Trust program as described in Section 53F-2-404, as necessary to maintain an equal per student distribution within a school district based on:

(a) school openings and closings;

(b) boundary changes; and

(c) other enrollment changes occurring after the fall enrollment report.

(5) An LEA shall provide the current year distribution and carry-over amount from the prior school year to the principal by October 1 annually.

(6) A charter school and each of the charter school's satellite charter schools are a single LEA for purposes of public school funding.

(7)(a) For purposes of this section, "qualifying charter school" means a charter school that:

(i) would receive more funds from a per pupil distribution than the charter school receives from the base payment described in Subsection (6)(c); and

(ii) is not a newly opening charter school as described in Subsection (7).

(b) The Superintendent shall distribute the funds allocated to charter schools as described in this Subsection (6).

(c) The Superintendent shall first distribute a base payment to each charter school that is equal to the product of:

(i) an amount equal to the total funds available for all charter schools; and

(ii) at least 0.4%.

(d) After the Superintendent distributes the amount described in Subsection (6)(c), the Superintendent shall distribute the remaining funds to qualifying charter schools on a per pupil basis.

(8)(a) The Superintendent shall distribute an amount of funds to a newly opening charter school that is equal to the greater of:

(i) the base payment described in Subsection (6)(c); or

(ii) a per pupil amount based on the newly opened charter school's projected October 1 enrollment count.

(b) The Superintendent shall increase or decrease a newly opening charter school's first year distribution of funds in the school's second year to reflect the newly opening charter school's actual first year October 1 enrollment.

(9) If a school chooses not to apply for funds or does not meet the requirements for receiving funds, the Superintendent shall deposit the unused balance in the Trust Distribution Account.

R277-477-6. School LAND Trust Program - Implementation of Plans and Required Reporting.

(1) A school shall implement a plan as approved.

(2)(a) The principal shall submit a plan amendment authorized by Subsection 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the council approved the amendment and the number of votes for, against, and absent.

(b) The approving entity shall:

(i) consider the amendment for approval;

(ii) approve an amendment before the school uses funds according to the amendment; and

(iii) notify the Superintendent an amendment is ready for review.

(c) The Superintendent shall review an amendment for compliance with statute and rule before the school uses funds according to the amendment.

(3)(a) A school shall provide an explanation for any carryover that exceeds one-tenth of the school's allocation in a given year in the School LAND Trust Plan or final report.

(b) The Superintendent shall recommend a district or school with a consistently large carry-over balance over multiple years for corrective action for not making adequate and appropriate progress on an approved plan.

(c) The Superintendent may take corrective action to remedy excessive carry-over balances consistent with Rule R277-114.

(4) By approving a plan on the School LAND Trust website, the approving entity affirms that:

(a) the entity has reviewed the plan; and

(b) the plan meets the requirements of statute and rule.

(5)(a) A district or charter school business official shall enter prior year audited expenditures of School LAND Trust funds through UPEFS consistent with UPEFS requirements and timelines.

(b) The expenditure data shall appear in the final report submitted online by a principal, as required by Subsection 53G-7-1206(5)(b).

(6) A principal shall submit a final report on the School LAND Trust website annually before a School LAND Trust plan for the coming school year is submitted.

(7) An approving entity shall ensure that a final report includes clear explanations of plan implementation and expenditures and meets the confidentiality requirements of Rule R277-487 prior to March 1 to allow the review required by Section R277-477-7.

(8) An LEA shall provide an annual report to its governing board on the implementation of each school's prior year School LAND Trust plans by March 1 annually.

R277-477-7. Compliance Review.

(1)(a) The Superintendent shall review a sample of school final reports for consistency with the approved school plan.

(b) The Superintendent shall create a list of all schools in the sample whose final reports indicate that funds from the School LAND Trust program were expended inconsistent with the statute, rule, or the school's approved plan.

(c) The Superintendent shall annually report a school described in Subsection (1)(b) to the school district contact person, district superintendent, and president of the local board of education or charter board and charter approving entity, as applicable.

(2) The Superintendent may visit a school receiving funds from the School LAND Trust program to discuss the program, receive information and suggestions, provide training, and answer questions.

(3)(a) The Superintendent shall supervise annual compliance reviews to review expenditure of funds consistent with the approved plan, allowable expenses, and the law.

(b) The Superintendent shall [report_]annually provide a written report to the Board [Audit]Finance Committee on compliance review findings and other compliance issues.

R277-477-8. Superintendent Responsibilities.

The Superintendent shall:

(1) represent the Board on the Land Trusts Protection and Advocacy Committee in accordance with Section 53D-2-202;

(2) review and approve a charter school plan on behalf of the State Charter School Board;

(3) provide notice as necessary to the State Charter School Board of changes required of charter schools for compliance with statute and rule;

(4) review and approve a plan submitted by the USDB Advisory Council as necessary;

(5) prepare the annual distribution of funds to implement the School LAND Trust program pursuant to Section 53F-2-404;

(6) provide training to entities involved with the School LAND Trust program consistent with Subsection 53G-7-1206(8); and

(7) implement corrective action, if appropriate, consistent with Rule R277-114 if an LEA or its council fails to comply with this rule.

KEY: schools, trust lands funds, school community councils Date of Last Change: [January 11,] 2022

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-404

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-491	Filing ID 54626

Agency Information

1. Department:	Education			
Agency:	Adminis	tration		
Building:	Board of	Board of Education		
Street address:	250 E 50	00 S		
City, state and zip:	Salt Lak	e City, Utah 84111		
Mailing address:	PO Box	144200		
City, state and zip:	Salt Lake City, Utah 84114-4200			
Contact person(s):			
Name:	Phone:	Email:		
Angie Stallings	801- angie.stallings@schools.utah. 538- gov 7830			
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule or section catchline:

R277-491. School Community Councils

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of this rule change is to update a reporting deadline related to local education agency (LEA) submissions.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The change updates a School Community Council annual reporting deadline from October 1 to October 20.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This change simply moves a deadline for LEAs and does not affect the Utah State Board of Education's (USBE) budget.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This changes moves a deadline for LEAs from Oct 1 to Oct 20. It has no budget impacts or compliance costs for LEAs.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This change only applies to LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This simply moves a deadline related to LEA submissions.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

 B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	Title 53G,
Section 3	53E-3-401(4)	Chapter 7, Part 12

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration. R277-491. School Community Councils. R277-491-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) The purpose of this rule is to:

(a) provide procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202 through 53G-7-1203;

(b) provide direction to a local school board, school, and school district in establishing and maintaining a school community council;

(c) provide a framework and support for improved academic achievement of students that is locally driven from within an individual school;

(d) encourage increased participation of a parent, school employee, and others to support the mission of a school community council;

(e) increase public awareness of:

(i) school trust lands;

(ii) the permanent State School Fund; and

(iii) educational excellence; and

(f) enforce compliance with the laws governing a school community council.

(3) This rule does not apply to charter schools.

R277-491-2. Definitions.

(1) "Local school board" means the locally elected school board designated in Section 53G-4-201.

(2) "Parent member" means the same as the term is defined in Section 53G-7-1202.

(3)(a) "Principal" means an administrator licensed as a principal in the state and employed in that capacity at a school.

(b) "Principal" includes a specific designee of the principal.

(4) "School community" means the geographic area a school district designates as the attendance area, with reasonable inclusion of a parent of a student who attends the school but lives outside the attendance area.

(5) "Student" means a child in a public school, grades kindergarten through 12, counted on the audited October 1 fall enrollment report.

R277-491-3. School Community Council Member Election Provisions.

(1) In addition to the election notice requirements of Section 53G-7-1202, the principal shall provide notice of:

(a) the location where a ballot may be cast; and

(b) the means by which a ballot may be cast, whether in person, by mail, or by electronic transfer.

(2)(a) A school community council may establish a procedure that allows a parent to mail a ballot to the school in the event the distance between a parent and the voting location would otherwise discourage parental participation.

(b) A mailed or hand-delivered ballot shall meet the same timeline as a ballot voted in person.

(3)(a) A school, school district, or local school board may allow a parent to vote by electronic ballot through a district approved election process that is consistent with the election requirements in Subsection 53G-7-1202(5).

(b) If allowed, the school or school district shall clearly explain on its website the opportunity to vote by electronic means.

(4) In the event of a change in statute or rule affecting the composition of a school community council, a council member who is elected or appointed prior to the change may complete the term for which the member was elected.

(5)(a) A public school that is a secure facility, juvenile detention facility, hospital program school, or other small or special school may receive School LAND Trust Program funds without having a school community council if the school demonstrates and documents a good faith effort to:

(i) recruit members;

(ii) have meetings; and

(iii) publicize the opportunity to serve on the council.

(b) A local school board shall make the determination whether to grant the exemption for a school described in Subsection (5)(a).

R277-491-4. School Community Council Principal Responsibilities.

(1) Following an election, the principal shall enter and electronically sign on the School LAND Trust Program website a principal's assurance affirming:

(a) the school community council's election;

(b) that unfilled positions were filled by appointment as necessary, consistent with Subsection 53G-7-1202(5); and

(c) that the school community council's bylaws or procedures comply with Sections 53G-7-1202, 53G-7-1203, and this rule.

(2) To encourage parental involvement in a school, [each year-]the principal shall post the following information on the school's website on or before October [4]20 annually:

(a) an invitation to a parent to serve on the school community council;

(b) the dollar amount the school receives each year from the School LAND Trust Program;

(c) a copy of or link to the school's current Teacher and Student Success Plan;

(d) approved minutes of the school's council meetings for at least a year;

(e) a proposed council meeting schedule for the year;

(f) a means to contact the members of the school's community council directly;

(g) a copy of or link to the school's plan or final report for the most recent two prior years, consistent with Section 53G-7-1206; and

(h) a copy of or link to the school's current year plan.

R277-491-5. School Community Council Chair Responsibilities.

(1) After the school community council election, the school community council shall annually elect at the council's first meeting a chair and vice chair in accordance with Subsection 53G-7-1202(5)(j).

(2) The school community council chair shall:

(a) set the agenda for every meeting;

(b) conduct every meeting;

(c) keep written minutes of every meeting, consistent with Section 53G-7-1203;

(d) inform council members about resources available on the School LAND Trust Program website; and

(e) welcome and encourage public participation in school community council meetings.

(3) The chair may delegate the responsibilities established in this section as appropriate at the chair's discretion.

R277-491-6. School Community Council Business.

(1)(a) The school community council shall adopt rules of order and procedure to govern a council meeting in accordance with Subsection 53G-7-1203(10).

(b) The rules of order and procedure shall outline the process for:

(i) electing the school community council, including:

(A) the number of parent members and school employee members on the council; and

(B) member positions beginning in odd years or even years to ensure half of the council members positions are open for election each year;

(ii) selecting a chair and vice chair;

(iii) removing from office a member who moves away or fails to attend meetings regularly; and

(iv) a member to declare a conflict of interest if required by the local school board's policy.

(2) The school community council shall:

(a) report on a plan, including programs, practices, and expenditures at least annually to the local school board; and

(b) encourage participation on the school community council by members of the school community and recruit a potential candidate to run for an open position on the council.

(3)(a) The principal shall provide an annual report to the school community council that summarizes current safety principles and practices used by the school district and school to facilitate the school community council's responsibilities under Subsection 53G-7-1202(3).

(b) The report described in Subsection (3)(a) shall include:

(i) information concerning internet filtering protocols for school and district devices that access the internet;

(ii) local instructional practices, monitoring, and reporting procedures; and

(iii) internet safety training provided to a student and parent by the school or district.

(4) A school community council shall comply with the requirements of Subsection 53G-7-1202(3)(vi).

(5) A school community council may advise and inform the local school board and other members of the school community regarding the uses of School LAND Trust Program funds.

(6) A school community council may hold electronic meetings consistent with:

(a) the policies of the local school board; and

(b) the requirements of Section 53G-7-1203.

KEY: school community councils

Date of Last Change: [January 11,] 2022 Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3;

53E-3-401(4); Title 53G, Chapter 7, Part 12

NOTICE OF PROPO	SED RULE	
TYPE OF RULE: Ar	nendment	
Utah Admin. Code Ref (R no.):	R277-605	Filing ID 54627

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111

Mailing address	: PO Box	144200
City, state an zip:	d Salt Lak	e City, UT 84114-4200
Contact person	(s):	
Name:	Phone:	Email:
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov
Please address	questions	regarding information on this

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-605. Coaching Standards and Athletic Clinics

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is amended to update requirements for coaches and student activity leaders.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendments update definitions and terminology, including the definition for Approved Provider and Coach. The amendments also establish standards for extracurricular clinics and workshops for coaches.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. It only applies to local education agencies (LEAs) and will not affect the Utah State Board of Education (USBE) budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. It requires LEAs to maintain verification of coaches' compliance with the rule. LEAs should already have access to all resources for coaches to complete the required training and therefore should not have budget impacts.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. It only affects LEA coaches.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. While LEAs will have to maintain documentation of compliance, there are not major impacts or FTEs added to LEA budgets or the USBE budget.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact TableFiscal CostFY2022FY2023FY2024State
Government\$0\$0\$0Local
Governments\$0\$0\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	Subsection
Section 3	53E-3-401(4)	53E-3-501(1)(b)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-605. Coaching Standards and Athletic Clinics.

R277-605-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs.

(2) The purpose of this rule is to specify standards for [school_athletic_and_activity_]coaches and standards for [athletic]extracurricular clinics and workshops.

R277-605-2. Definitions.

(1) "Approved provider" means:
(a) the American Heart Association;
(b) the American Red Cross;
(c) the American Safety and Health Institute;
(d) the National Safety Council; or
(e) another provider approved by the Superintendent.
(2) "Coach" means an individual who independently
supervises students participating in an extracurricular activity on

supervises students participating in an extracurricular activity on behalf of an LEA.

R277-605-[2]3. [Athletics]Extracurricular Programs and the Core Curriculum.

High school competitive [sports]extracurricular programs shall be supplementary to the high school curriculum.

R277-605-[**3**]<u>4</u>. Coaches and School Activity Leaders as Supervisors and Role Models.

(1) Coaches and other designated school leaders shall diligently supervise students [athletes-]at all times while on school-sponsored activities, including supervising students:

(a) on the field, court, or other competition or performance sites;

(b) in locker rooms, in seating areas, in eating establishments, and in lodging facilities; and

(c) while traveling.

(2) Coaches and designated school leaders are responsible for a student as long as a student remains on school grounds following a school-sponsored activity, subject to LEA policy, consistent with this rule.

(3) A coach or other designated school leader shall be an exemplary role model and may not use alcoholic beverages, tobacco, controlled substances, or participate in promiscuous sexual relationships while on school-sponsored activities.

(4) Coaches, assistants and advisors shall act in a manner consistent with Section 53G-8-209 and may not:

(a) use foul, abusive, or profane language while engaged in school related activities; or

(b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

[<u>(5)</u> Coaches, assistants, and advisors shall complete LEA training on bullying, cyber bullying, hazing, and retaliation, consistent with Subsection R277-613-4(5).]

R277-605-[4]5. Athletic and Activity Clinics.

(1) School personnel, activity leaders, coaches, advisors, and other personnel may not require students to attend out-of-school camps, clinics, or workshops for which the personnel, activity leaders, coaches, or advisors receive remuneration from a source other than the school or district in which they are employed.

(2) Required or voluntary participation in summer or other off-season clinics, workshops, and leagues may not be used as eligibility criteria for team membership, participation in extracurricular activities, or for the opportunity to try out for schoolsponsored programs.

R277-605-6. Training Requirements.

(1) An athletic coach shall maintain high-quality hands-on cardiopulminary resuscitation and first aid certification through an approved provider.

(2) An athletic coach shall annually receive training in responding to concussions and head injuries consistent with Subsection R277-614-4(3)(d).

(3) A coach shall complete child sexual abuse prevention training as described in Section 53G-9-207.

(4) A coach shall complete training on bullying, cyberbullying, hazing, and retaliation consistent with Subsection R277-613-4(5).

(5) Each LEA shall maintain verification of its coaches' compliance with this section.

KEY: extracurricular activities Date of Last Change: <u>2022[August 25, 2021]</u> Notice of Continuation: July 7, 2021 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-501(1)(b)

NOTICE OF PROPO	SED RULE	
TYPE OF RULE: An	nendment	
Utah Admin. Code Ref (R no.):	R277-606	Filing ID 54631

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state and zip:	Salt Lake City, UT 84111

Mailing address	: PO Box	PO Box 144200		
City, state and zip:	d Salt Lak	Salt Lake City, UT 84114-4200		
Contact person	ct person(s):			
Name:	Phone:	Email:		
Angie Stallings	801- 538- 7830	538- gov		
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule or section catchline:

R277-606. Dropout Prevention and Recovery Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The purpose of the rule changes are to make necessary updates to policies and reporting requirements in alignment with legislation passed in the 2022 General Session. The changes involve updating policies and reporting requirements for local education agencies (LEAs) with a dropout prevention and recovery program.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The amendments to this rule remove all language referencing the requirement for an LEA to contract with a third party provider for dropout prevention services, and also add an annual deadline for LEAs to create a dropout prevention plan.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This only affects LEAs and will not impact the Utah State Board of Education (USBE) or other state agency budgets.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This amendment adds language specifying that an LEA may contract with a third party or provide services through a dropout prevention and recovery plan. This does not add costs to LEAs or other local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only impacts LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. This rule change requires a plan from LEAs providing services but does not add major compliance costs for LEAs or USBE.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
₋ocal Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
₋ocal Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Fotal Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X,	Subsection	Section 53G-9-802
Section 3	53E-3-401(4)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration. R277-606. Dropout Prevention and Recovery Program. R277-606-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53G-9-802, which requires the Board to develop rules to set policies related to a dropout prevention and recovery program.

(2) The purpose of this rule is to:

(a) develop policies related to an LEA's dropout prevention and recovery program; and

(b) set reporting requirements for LEAs with a dropout prevention and recovery program.

R277-606-2. Definitions.

For purposes of this rule:

(1) "Attainment goal" has the same meaning as that term is defined in Section 53G-9-801.

(2) "Average daily membership" means the same as that term is defined in Section 53F-2-102.

(3) "Cohort" means the same as that term is defined in Section 53G-9-801.

(4) "College and career readiness work" means the same as that term is defined in Section 53G-9-801.

(5) "Designated student" means a student:

(a)(i) who has withdrawn from a secondary school [prior to]before earning a diploma;

(ii) who was dropped from average daily membership; and

(iii) whose cohort has not yet graduated; or

(b) who is at risk of meeting the criteria described in Subsection (5)(a), as determined by the student's LEA, using the risk factors described in Subsection (10).

(6) "Graduation rate" means the same as that term is defined in Section 53G-9-801.

(7) "LEA" means the same as that term is defined in Section 53G-9-801.

(8) "Nontraditional program" means the same as that term is defined in Section 53G-9-801.

(9) "Proxy graduation rate" means a rate calculated:

(a) in a manner similar to the regular graduation rate for each year of grades 9 through 12;

(b) treating a student as having graduated if the student returned after each grade year; and

(c) treating a student as dropping out if the student:

(i) did not return after each year; or

(ii) the student did not have an acceptable exit code entered into the Board's UTREx system.

(10) "Risk factors" means:

(a) low academic performance, as measured by grades, test scores, or course failure;

(b) poor behavior, as measured by office disciplinary referrals, suspensions, or expulsions; and

(c) absenteeism, whether excused or unexcused absences, and including days tardy and truant.

(11) "Third party" means the same as that term is defined in Section 53G-9-801.

R277-606-3. LEA Dropout Prevention and Recovery Programs.

(1) An LEA that serves students in grades 9, 10, 11, or 12 shall provide a dropout prevention and recovery program for a designated student with the dropout prevention and recovery services described in Section 53G-9-802.

(2) To provide the dropout and recovery services described in Subsection (1) an LEA may:

(a) contract with a third party; or

(b) create a dropout prevention and recovery services plan. [(2)](3) An LEA that enrolls a designated student in a

dropout prevention and recovery program shall:

(a) develop a written policy that describes:

(i) how the LEA or the LEA's third party will measure and report if the designated student made a year's worth of progress toward an attainment goal as required in Section R277-606-4; and

(ii) how membership days will be determined for the designated student in accordance with the LEA's established school schedule and enrollment policies; and

(b) indicate that the designated student is enrolling in the LEA's dropout prevention and recovery program in accordance with current UTREx specifications.

[(3)](4)(a) If a designated student chooses to enroll in a dropout prevention and recovery program, the LEA, in consultation with the designated student, shall prepare, in accordance with the LEA's written policy described in Subsection (2), a learning plan for the designated student that includes an attainment goal for the designated student.

(b) If an LEA [is required]chooses to contract with a third party to provide dropout prevention and recovery services, the third party shall:

(i) work with the LEA to prepare a learning plan for a designated student described in Subsection (3)(a);

(ii) regularly report a designated student's progress toward the designated student's attainment goal in accordance with the LEA's written policy described in Subsection (2); and

(iii) maintain documentation required by the LEA for the LEA to meet the requirements of Subsection R277-606-4(4).

[(4)](5)(a) If a designated student is a student with a disability and an LEA provides dropout prevention and recovery services without using a third party, the LEA shall:

(i) prepare an IEP or Section 504 plan for the designated student; and

(ii) provide the dropout prevention and recovery services in accordance with the designated student's IEP or Section 504 plan.

(b) If a designated student is a student with a disability and an LEA contracts with a third party to provide dropout prevention and recovery services to the designated student:

(i) the LEA shall prepare an IEP or Section 504 plan for the designated student; and

(ii) the third party shall provide the dropout prevention and recovery services to the designated student in accordance with the designated student's IEP or Section 504 plan.

R277-606-4. Reporting Requirements and Audits.

(1)(a) An LEA shall submit an annual report to the Superintendent on the LEA's dropout prevention and recovery services by October 30.

(b) The report described in Subsection (1)(a) -shall include:

(i) the information described in Section 53G-9-802;

 $(\ensuremath{\mathrm{ii}})$ the total number of designated students in the LEA; and

(iii) if applicable, the name of a third party the LEA is contracting with to provide dropout prevention and recovery services.

(2) An LEA shall submit annually to the Superintendent, if applicable, the LEA's dropout prevention and recovery plan by October 30.

[(2)](3) A third party working with an LEA on the LEA's dropout prevention and recovery program shall report any information requested by the LEA including any information required for the LEA to submit a report described in Subsection (1).

([3]4) The Superintendent shall:

(a) review LEA reports described in Subsection (1);

(b) by April 1 each year, inform an LEA that the LEA [is required to]shall enter into a contract with a third party as described in Subsection 53G-9-802(3); and

(c) except as provided in Subsection 53G-9-802([4]5), ensure that an LEA described in Subsection 53G-9-802(3) –and Subsection R277-606-3(3)- contracts with a third party as required in Section 53G-9-802 and Section R277-606-3.

 $[\frac{(4)}{5}]$ (a) An LEA shall maintain documentation to comply with the requirements of Section 53G-9-802 and this rule.

(b) The Board or the Superintendent may request an audit of an LEA's dropout prevention and recovery program.

KEY: dropout, prevention and recovery, pupil accounting Date of Last Change: [November 26, 2021]2022

Notice of Continuation: July 15, 2020

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-4-401(4); 53G-9-802

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code R277-622 Filing ID Ref (R no.): 54632			

Agency Information

1. Department:	Education
Agency:	Administration

Building:	Board of Education		
Street address:	250 E 500 S		
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144200		
City, state and zip:	Salt Lake City, UT 84114-4200		
Contact person(s):			
Name:	Phone: Email:		
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-622. School-based Mental Health Qualified Grant Program

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The reason for changes to the rule are to update local education agency (LEA) requirements needed to receive a School-based Mental Health Qualifying Grant. These requirements involve the grant submission process, funding distribution methods, reporting and accountability, and are updated in alignment with S.B. 2 passed in the 2022 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The changes being made to this rule create application and eligibility criteria for a scholarship grant, funded from existing carryforward funds in the School-based Mental Health Qualified Grant Program. The amendments set an annual funding cap for a two-year scholarship and establish requirements for coursework, program level, post-graduation employment requirements, as well as LEA duties.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This will not impact the Utah State Board of Education (USBE) budgets. It simply changes the distribution method to 100% reimbursement.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This will not impact LEA budgets, it simply changes the distribution method of existing funds to 100% reimbursement.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable nonsmall businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no compliance costs associated with switching the distribution method for LEAs.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
.ocal Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Fotal Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

 B) Department head approval of regulatory impact analysis:

The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53F-2-415	Subsection 53E-4-302(1)(a)
Section 53E-3-401		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-622. School-based Mental Health Qualifying Grant Program.

R277-622-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53F-2-415 which requires the Board to makes rules that establish:

(i) procedures for submitting a plan for the School-based Mental Health Qualifying Grant Program;

(ii) a distribution formula the Board will use to distribute funds to an LEA; and

(iii) annual reporting requirements for an LEA that receives funds pursuant to the School-based Mental Health Qualifying Grant Program.

(2) The purpose of this rule is to establish the procedures for an LEA to receive a School-based Mental Health Qualifying Grant including:

(i) plan submission process, format, and requirements;

(ii) funding distribution methods; and

(iii) additional requirements including reporting and accountability.

R277-622-2. Definitions.

(1) "Licensed" means an individual who may lawfully practice in an area described in Section 53F-2-415:

(a) under an interstate compact; or

(b) as authorized by:

(i) the Division of Occupational Professional Licensing;

(ii) the Department of Health and Human Services; or

(iii) the Board through an associate or professional license as described in R277-306.

(2) "Plan" means a School-based Mental Health Qualifying Grant plan described in Section R277-622-3.

(3) "Qualifying personnel" means the same as the term is defined in Subsection 53F-2-415(1) including being licensed.

(4) "Regional Education Service Agency" or "RESA" means the same as the term is defined in Subsection 53G-4-410(1)(b).

(5) "Related services" means:

(a) mental-health or school nursing services provided by:

(i) qualifying personnel within the scope of their practice;

(ii) the local mental health authority; or

(iii) or a private provider through a contract; or

(b) training <u>funded only through carry forward funds that</u> is provided by qualifying personnel for school personnel.

R277-622-3. School-based Mental Health Plan.

(1) To qualify for a School-based Mental Health Qualifying Grant, an LEA shall submit a plan to the Superintendent.

(2) The plan shall include:

(a) a three-year projection for the LEA's goals, metrics, and outcomes;

(b) requirements outlined in Subsection 53F-2-415(3);

(c) <u>a plan for how qualifying personnel will increase access</u> to mental health service for students in need, including students who are underserved or at risk: [plan for how qualifying personnel will increase access to mental health service including for students who are underserved or at risk;</u>]

(d) a process for utilization of qualifying personnel in participating with an LEA's multi-disciplinary team as outlined in R277-400;

(e) [the source of the LEA's matching funds; and

(f)]a timeline and process for school personnel training in trauma-informed practices including documentation of compliance.

(3) Except as provided in Subsection (4), an LEA shall submit the LEA's plan no later than May 31 for a funding distribution to be made for the upcoming school year.

(4) An LEA's approved plan is valid for three years and may be required to be reapproved after three years of implementation.

(5) An LEA may submit a revised plan for approval by the board, in a manner described by the Superintendent, if the LEA identifies deficiencies with the LEA's ability to implement the LEA's plan including a change in available funding.

R277-622-4. Board Approval or Denial of LEA Plan.

(1) The Board shall approve or deny each LEA plan submitted by the Superintendent.

(2) If the Board denies an LEA's plan, the LEA may amend and resubmit the LEA's plan to the Superintendent until the Board approves the LEA plan.

R277-622-5. School-Based Mental Health Grant Distribution.

(1) An LEA with an approved plan pursuant to subsection R277-622-4 shall receive a School-based Mental Health Grant distribution.

(2) The funding amount distributed to an approved LEA shall be the sum of:

(a) \$25,000; and

(b) a per student allocation based on the number of students in an LEA divided by the total available grant appropriation less the aggregate amount of appropriation allocated as described in Subsection (2)(a);

(3) A RESA shall receive \$50,000 per member school district.

be:

(4) The number of students used in Subsection (2)(b) shall

(i) based on the October 1 headcount in the prior year; or

(ii) for a new LEA, based on the new LEA's projected October 1 headcount.

(5) An LEA or RESA shall receive its allocation on a reimbursement basis upon demonstration to the Superintendent of:

(a) contracting of services for qualifying personnel; or

(b) hiring qualifying personnel.

(6) After the distribution described in subsections (2)(a) and (b), and by October 1 of each year, the Superintendent shall distribute any undistributed funds as an additional allocation to an LEA on a reimbursement basis.

(7) An LEA may qualify for the additional allocation described in Subsection (6) if the LEA demonstrates an intent to collaborate with the Local Mental Health Authority of the county the LEA is located.

(8) The additional allocation described in subsection (6) shall be:

(a) the aggregate total of undistributed funds;

[_____(b) subject to all matching fund requirements described in section R277-622-3;]

([e]b) distributed to an eligible LEA in an amount equal to the LEA's portion of the student headcount of all eligible and participating LEAs; and

 $([\underline{d}]\underline{c})$ used for collaboration with the Local Mental Health Authority of the County the LEA is located.

[R277-622-6. Matching Funds.

(1) To qualify for a School based Mental Health Qualifying Grant, an LEA, that submits a plan prior to April 1, 2020, shall provide matching funds as required by Subsection 53F-2-415(4)(b).

(2) To qualify as matching funds the LEA's funds may come from any of the following sources or procedures:

 (a) prioritizing of existing unrestricted state or local funds including:

(i) an unrestricted donation; or

(ii) new funds available in the next fiscal year;

(b) funds generated from property tax;

(c) charter school local replacement funds;

(d) unrestricted MSP Basic program funds;

(c) money distributed to the LEA under Section 53G-7-1303: or

 (f) another source of unrestricted state funds or local funds as approved by the Superintendent.

(3) Funds may not qualify as a match if:

(a) the funds are from restricted state funds including:

(i) funds granted to an LEA for a specific program created in statute or rule;

(ii) funds that have already been used as a match in a different state grant program; or

(iii) funds from a federal source; or

(b) the funds are described in Subsection 53F-2-415(5).

(1) An LEA shall demonstrate that all matching funds fit within the scope of work for school based mental health and general health services as outlined in an LEA's plan.

(5) An LEA shall report revenues and expenditures of program funds by location code according to the Board approved chart of accounts.]

R277-622-[7]6. Allowable Uses of Funds.

(1) An LEA that receives a distribution pursuant to Section R277-622-6 may use the funds only for the following:

(a) salary and benefits for the hiring of qualifying personnel; or

(b) procuring a contract for related services;

(2) An LEA may only use carryforward funds for contracts of related services associated with training as described in Subsection R277-622-2(5)(b).

(3) An LEA shall use the LEA's matching funds and allocation within the fiscal year the funds are distributed.

(4) An LEA that has remaining balances at year end shall report the remaining balances in the LEA's annual program report described in R277-484.

R277-622-[8]7. Annual Reporting and Accountability.

(1) An LEA with an approved plan and funding amount shall provide the Superintendent with an annual report no later than October 1 of each year.

(2) The annual report shall include:

(a) a total baseline count of qualifying personnel in an LEA before receiving the initial funding allocation;

(b) the number of qualifying personnel hired above the baseline count using the funding allocation;

(c) the progress made toward achieving goals and outcomes outlined in the LEA's plan; and

(d) other information requested by the Superintendent.

R277-622-8. Qualifying Personnel Scholarship Program.

(1) Subject to funding availability as described in Subsection 53F-2-415(9), an LEA employee may apply to receive a scholarship in a manner prescribed by the Superintendent. (2) The Superintendent shall establish an application for the scholarship program which shall include: (a) required intake information; (b) required supplemental materials or documentation; (c) application cycle and deadlines; and (d) reporting requirements for a successful applicant. (3) The Superintendent may not award a scholarship to an LEA employee that exceeds \$14,000 per year; (4) To be eligible for a scholarship award, an LEA employee shall: (a) be accepted into a graduate program in a field to become a qualifying personnel; (b) take courses outside of the LEA employee's LEA work hours; (c) ensure a majority of the clinical experiences required by the LEA employee's graduate program be at a school site; (d) demonstrate an effort to maximize financial aid opportunities and programs, including the Free Application for Federal Student Aid; and

(e) upon graduation:

(i) become a qualifying personnel in accordance with Section 53F-2-415(1); and

(ii) maintain employment with the LEA of origin for an equal amount of years that a scholarship was provided.

(5) An LEA with an LEA employee receiving a scholarship shall:

(a) serve as the fiscal agent to the scholarship funds;

(b) provide necessary flexibility to the LEA employee's job duties and responsibilities to allow the LEA employee to fulfill the graduate program requirements; and

(c) upon graduation, and barring any general employment issues or concerns by the LEA, guarantee employment in the field in which the LEA employee graduated for an equal amount of years that a scholarship provided.

KEY: mental health, programs, reporting Date of Last Change: [May 11,] 2022 Notice of Continuation: January 13, 2022 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53E-4-302(1)(a)<u>: 53F-2-415</u>

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code R277-701 Filing ID Ref (R no.): 54633			

Agency Information

.gonoy mornation				
1. Department:	Educatio	Education		
Agency:	Administration			
Building:	Board o	f Education		
Street address:	250 E 5	00 S		
City, state and zip:	Salt Lake City, UT 84111			
Mailing address:	PO Box 144200			
City, state and zip:	Salt Lake City, UT 84114-4200			
Contact person(s	;):			
Name:	Phone:	Email:		
Angie Stallings	801- 538- 7830	angie.stallings@schools.utah. gov		
Please address questions regarding information on this				

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R277-701. Early College Programs

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This rule is being amended to make necessary updates to the standards for concurrent enrollment courses, and also to update procedures for distributing funds for local education agency (LEA) early college programs. The updates are made in alignment with legislation in H.B. 390 that was passed in the 2022 General Session.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The changes to this rule incorporate new requirements for an LEA to first spend funds received for AP, IB, and CE programs to cover the fees associated with each program on students who are socioeconomically disadvantaged. The amendments also reflect technical edits that align with these new requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures. This does not impact the Utah State Board of Education (USBE) budgets; it simply clarifies distribution methods for existing funds.

B) Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This does not impact LEA budgets; it simply clarifies distribution methods for existing funds.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This only applies to USBE and LEAs.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for affected persons. There are no compliance costs associated with clarifying distribution methods for the existing funds.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. In addition, this rule change is not expected to have direct fiscal impact on small businesses. Sydnee Dickson, Superintendent

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory In	npact Table	•	
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
₋ocal Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
₋ocal Governments	\$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

B) Department head approval of regulatory impact analysis: The State Superintendent of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Article X, Section 3	Section 53F-2-409	Section 53F-2-408.5
Subsection 53E-3-401(4)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Angie Stallings,	Date:	05/18/2022
or designee,	Deputy		
and title:	Superintendent of		
	Policy		

R277. Education, Administration.

R277-701. Early College Programs.

R277-701-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) <u>Subs</u>ection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Section 53F-2-408.5, which requires the Board to establish a distribution formula for the expenditure of funds appropriated for Early College Programs; and

(d) Section 53F-2-409, which directs the Board to provide for the distribution of concurrent enrollment dollars in rule.

(2) The purpose of this rule is to:

(a) specify the procedures for distributing funds appropriated under Sections 53F-2-408.5 and 53F-2-409 to LEAs;

(b) provide resources to LEAs for early college programs; and

(c) specify the standards and procedures for concurrent enrollment courses and the criteria for funding appropriate concurrent enrollment expenditures.

R277-701-2. Definitions.

(1) "Advanced placement" or "AP" courses means the same as the term is defined in Section 53F-2-408.5.

 $(2)\;$ "Concurrent enrollment" or "CE" means the same as the term is defined in.

(3) "Early college programs" means an LEA's AP courses, IB programs, and CE programs.

(4) "Enhancement of Accelerated Students Programs" means the same as the term is defined in Section R277-707-2.

(5) "International Baccalaureate" or "IB" Program means the same as the term is defined in Section 53F-2-408.5.

(6) "Master course list" means a list of approved CE courses, maintained by the Superintendent and USHE, which may be offered and funded.

(7) "Successfully completed" means that a student received USHE credit for a CE course.

(8) "Underrepresented students" means the same as the term is defined in Section R277-707-2.

(9) "USHE" means the Utah System of Higher Education as described in Section 53B-1-102.

R277-701-3. Eligibility and Application.

(1) All LEAs are eligible to apply for the Early College Program funds annually.

(2) To receive program money, an LEA shall submit an application to the Superintendent that includes an LEA's plan for:

(a) how the LEA intends to spend program money;

(b) how the LEA intends to engage[-all] parents so that parents understand the opportunities available for their children in elementary, middle school, high school and beyond, including how the LEA will comply with Rule R277-462; and

(c) how the LEA intends to eliminate barriers and increase student enrollment, in Early college programs, including underrepresented students.

(3) The Superintendent shall publish:

(a) expectations;

(b) targets related to gap closures for underrepresented students; and

(c) timelines related to an LEA application.

R277-701-4. Distribution and Use of Funds for AP and IB Programs.

(1) The Superintendent shall distribute the total allocation for Enhancement of Accelerated Students program as follows <u>after</u> <u>setting aside the requisite funding described in Subsection 53F-2-</u> 408.5(3):

(a) 40% of the total allocation to AP and IB programs as described in <u>Rule R277-701</u> including up to \$100,000 to support IB programs; and

(b) 60% of the total allocation to LEAs to support Gifted and Talented programs as described in <u>Rule</u> R277-707.

(2)(a) The Superintendent shall determine funding to be awarded to an LEA's IB programs by:

(i) dividing the number of students enrolled in an LEA's IB program by the total enrollment of students in IB programs throughout the state; and

(ii) multiplying the result from Subsection (2)(a)(i) by the total IB allocation.

(b) The Superintendent shall determine 30% of the funding to be awarded for LEA AP programs by:

(i) dividing the number of students enrolled in an LEA's AP classes by the total enrollment of students in AP classes throughout the state; and

(ii) multiplying the result from Subsection (2)(b)(i) by 30% of the total AP allocation.

(c) The Superintendent shall determine 70% of the funding to be awarded for LEA AP programs by:

(i) dividing the number of students in the LEA receiving a three or higher on an AP examination by the total number of students receiving a three or higher on an AP examination throughout the state; and

(ii) multiplying the result from Subsection (2)(c)(i) by 70% of the total AP allocation.

(3) An LEA may use the LEA's allocation of funds for:

(a) professional learning for teachers;

(b) identification of underrepresented students;

(c) Advanced Placement courses;

(d) International Baccalaureate programs; or

(e) International Baccalaureate test fees of eligible low-income students $[_{7}]_{.}$

(4) An LEA shall use at least a portion of the LEA's allocation for Advanced Placement test fees of eligible low-income students, as defined in Section 53F-2-408.5.

R277-701-5. Distribution and Use of Funds for CE Programs.

(1) CE funds shall be allocated in accordance with Section 53F-2-409.

(2) CE funds allocated to LEAs may not be used for any other program or purpose, except as provided in Section 53F-2-206 and after funds distribution as described in Subsection 53-2-409(5)(c).

(3) CE funding may not be used to fund a parent or studentinitiated college-level course at an institution of higher education.

(4) The Superintendent may not distribute CE funds to an LEA for reimbursement of a CE course:

(a) that is not on the master course list;

(b) for a student that has exceeded 30 semester hours of CE for the school year;

(c) for a CE course repeated by a student; or

(d) taken by a student:

(i) who has received a diploma;

(ii) whose class has graduated; or

(iii) who has participated in graduation exercises.

(5) An LEA shall receive a pro-rated amount of the funds appropriated for CE according to the number of semester hours successfully completed by students registered through the LEA in the prior year compared to the state total of completed CE hours.

(6) An LEA's use of state funds for CE is limited to the following:

(a) increasing access for groups of students who are underrepresented;

(b) aid in professional development of an eligible CE instructor in cooperation with the participating USHE institution;

(c) assistance with delivery costs for distance learning programs;

(d) participation in the costs of LEA personnel who work with the program;

(e) student textbooks and other instructional materials;

(f) fee waivers for costs or expenses related to CE for fee waiver eligible students under <u>Rule</u> R277-407;

(g) purchases by LEAs of classroom equipment required to conduct CE courses; and

(h) other uses approved in writing by the Superintendent consistent with the law and purposes of this rule.

(7) An LEA that receives program funds shall provide the Superintendent with the following:

(a) end-of-year expenditures reports;

(b) an annual report containing:

(i) supervisory services and professional development provided by a USHE institution; and

(ii) data as required by S[ubs]ection R277-701-12.

(8) Appropriate reimbursement may be verified at any time by an audit of the LEA.

R277-701-6. Early College Programs Funding Requirements.

(1) If an LEA fails to demonstrate progress in meeting plan goals, the Superintendent may:

(a) place the LEA on probation and provide targeted technical assistance; and

(b) reduce funding to the LEA.

(2) Excepted as described in Subsection (3) and subject to the general requirements of Section R277-700-7:

(a) Å middle school or high school:

(i) shall provide all course registration opportunities to each student; and

(ii) through consultation with students, parents, educators, and administrators, may consider academic readiness, but may not require prerequisites for enrolling in an AP, IB, or CE course.

(b) Except as described in USHE Policy R165, a school that offers an early college program may not prohibit a student from enrolling in the course based on the student's:

(i) grades or grade point average;

(ii) state standardized assessment scores; or

(iii) referral or lack of a referral from an educator;

(c) In addition to the restrictions listed in Subsection (d), an Early College Program may not prohibit a student from enrolling in a course based on the student's:

(i) grade level;

(ii) participation in or passing a pre-requisite course;

(iii) participation in or passing an honors-level or collegepreparatory course; or

(iv) requirements over the summer.

R277-701-7. Student Eligibility and Participation for CE.

(1) A student participating in CE shall be an "eligible student" as described in Subsection 53E-10-301(5).

(2) Student eligibility requirements for CE shall be:

(a) established by an LEA and a USHE institution;

(b) sufficiently selective to predict a successful experience;

(c) in accordance with Subsection R277-701-5(3)(b).

(3) An LEA has the primary responsibility for identifying a student who is eligible to participate in a CE course.

(4) An LEA shall appropriately evaluate the supports the LEA employs to assist in achieving the highest access rate reasonable for all students to enroll in a CE course.

R277-701-8. CE Course Credit and Offerings -- CE Course Approval Process.

(1) Credit earned through a CE course:

 $(a) \quad \mbox{has the same credit hour value as the CE course's counterpart on a college campus;}$

(b) applies toward graduation on the same basis as a course taught at a USHE institution to which the credits are submitted;

(c) generates higher education credit that becomes a part of a student's permanent college transcript;

(d) generates high school credit that is consistent with the LEA policies for awarding credit for graduation; and

(e) is transferable from one USHE institution to another.

(2) A USHE institution is responsible to determine the credit for a CE course, consistent with State Board of Regents' policies.

(3) An LEA and a USHE institution shall provide the Superintendent and USHE with proposed new course offerings, including syllabi and curriculum materials, by November 15 of the year preceding the school year in which the courses would be offered.

(4) A CE course shall be approved by the Superintendent and USHE, and designated on the master course list, maintained by the Superintendent and USHE.

(5)(a) CE course offerings shall reflect the strengths and resources of the respective schools and USHE institutions and be based upon student needs.

(b) The number of courses selected shall be kept small enough to ensure coordinated statewide development and professional development activities for participating teachers.

(6) To provide for the focus of energy and resources on quality instruction in the CE program, CE courses shall be limited to courses in:

(a) English;

(b) mathematics;

- (c) fine arts;
- (d) humanities;
- (e) science;
- (f) social science;
- (g) world languages; and
- (h) career and technical education.

(7) A CE course may not be approved if the course is a postsecondary course below the 1,000 level.

(8) The appropriate USHE institution shall take responsibility for:

(a) course content;

- (b) procedures;
- (c) examinations;
- (d) teaching materials; and
- (e) program monitoring.
- (9) CE procedures and materials shall be:
- (a) consistent with Utah law; and

(b) ensure quality and comparability with CE courses offered on a college or university campus.

R277-701-9. CE Program Management and Delivery.

(1) An LEA shall use a Superintendent-designated 11-digit course code for a CE course.

(2) An LEA and a USHE institution shall jointly align information technology systems with [all_]individual student academic achievement data so that student information will be tracked through both education systems consistent with Section 53E-4-308.

(3) An LEA shall only receive funds for the LEA's CE program if the LEA's course enrollment matches the USHE institution enrollment in the technology systems as described in Subsection (2).

and

R277-701-10. Faculty and Educator Requirements.

(1) An educator who is not employed by a USHE institution and teaches a CE course shall:

(a) be employed by an LEA; and

(b) meet the requirements of Subsections 53E-10-302(5) and (6).

(2) An educator employed by an LEA who teaches a CE course shall be approved as an adjunct faculty member at the contracting USHE institution [prior to]before teaching the CE course.

(3) High school educators who hold adjunct or part time faculty status with a USHE institution [for the purpose of]to teach[ing] CE courses shall be included as fully as possible in the academic life of the supervising academic department at the USHE institution.

(4) An LEA and a USHE institution shall share expertise and professional development, as necessary, to adequately prepare a teacher to teach in the CE program, including federal and state laws specific to student privacy and student records.

(5) A USHE institution that employs a faculty member who teaches in a high school has responsibility for ensuring and maintaining documentation that the faculty member has successfully completed a criminal background check, consistent with Section 53G-11-402.

R277-701-11. Student Tuition and Fees.

(1) A CE program student may be charged partial tuition and program-related fees, in accordance with Section 53E-10-305.

(2) Postsecondary tuition and participation fees charged to a CE student are not fees, as defined in <u>Rule</u> R277-407, and do not qualify for a fee waiver under <u>Rule</u> R277-407.

(3)(a) All costs related to CE courses that are not tuition and participation fees are subject to a fee waiver consistent with <u>Rule</u> R277-407.

(b) CE costs subject to fee waiver may include:

- (i) consumables;
- (ii) lab fees;
- (iii) copying;
- (iv) material costs;
- (v) application fees; and
- (vi) textbooks required for the course.

(4)(a) Except as provided in Subsection (4)(b), an LEA shall be responsible for fee waivers.

(b) An agreement between a USHE institution and an LEA may address the responsibility for fee waivers.

R277-701-12. Annual Contracts and Other Student Instruction Issues.

(1) An LEA and a USHE institution that plan to collaborate to offer a CE course shall enter into an annual contract for the upcoming school year by no later than May 30.

(2) An LEA shall provide the USHE with a copy of each annual contract entered into between the LEA and a USHE institution for the upcoming school year by no later than May 30.

(3) An LEA and a USHE institution shall use the standard contract language developed by the Superintendent and USHE.

R277-701-13. Performance Criteria and Reports.

(1) An LEA receiving an allocation of funds shall submit an annual evaluation report to the Superintendent consistent with Section 53F-2-408.5. (2) An LEA shall present the evaluation report identified in Subsection (1) to the LEA's local board in a public meeting.

(3) The report shall include the following:

(a) an accounting of student performance, disaggregated by student group for each early college program that the LEA

participates; (b) evidence of stakeholder input demonstrating that the LEA engaged parents;

(c) an accounting of how the LEA's funds were disbursed to the teacher level; and

(d) evidence that the LEA is making progress toward the LEA's plan goals.

KEY: _early college program, advanced placement, international baccalaureate, concurrent enrollment

Date of Last Change: [September 24, 2020]2022

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-408.5; 53F-2-409

NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code R380-65	Filing ID
Ref (R no.):	54662

Agency Information

• •		
1. Department:	Health	
Agency:	Administration	
Room no.:	430	
Building:	Martha I	Hughes Cannon Building
Street address:	288 N 14	460 W
City, state and zip:	Salt Lak	e City, UT 84116
Mailing address:	PO Box	141000
City, state and zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Michelle Hofmann	801- 538- 6111	udohedo@utah.gov
Krisann Humphreys Bacon	801- 538- 6079	krisannbacon@utah.gov
Jonah Shaw	385- 310- 2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R380-65. Public Health Emergency Protocols

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Rule R380-65 establishes Department of Health (Department) protocols to administer, dispense, and distribute vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance in the event of a declaration of a national, state or local emergency.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule establishes the requirements for the Department to administer, dispense, distribute, and issue standing prescription drug orders for the medication. This rule also includes record keeping and confidentiality requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

Related to this rule, there is no anticipated savings. The cost to the state budget is unknown. Any anticipated cost would be dependent on the specific medication to be administered, dispensed, and distributed. Factors related to the cost could include whether the medication would be provided by the federal government in full, if it would be subsidized, if there would be federal funding made available for expenses related to the administration, dispensing, and distribution.

B) Local governments:

Any cost or savings to the local governments would depend on how the medication is dispensed or distributed. Potential cost could be if the local health departments were part of the dispensing or distribution process. There could be a cost for personnel to either administer medication or support staff for record keeping. The overall cost would depend on the level of expertise required for the specific situation. Additional considerations related to the cost or savings would be funding provided by either the federal government, state government, or other sources

C) Small businesses ("small business" means a business employing 1-49 persons):

Any cost or savings to small businesses will be related to the distribution or dispensing of the medication; and any record keeping involved. The cost would be relative to the skills needed and the extent they would be involved with providing the medication to the public. Any effect on small businesses would be specific to the specific public health emergency. To what extent small businesses would be involved in the distribution, dispensing, or writing of prescriptions for the public would depend on the situation. Any increase in their staff would be evaluated, including skill level required or additional clerical support. Additional considerations related to the cost would be if funding were available through federal or state government or if the cost would be passed on to the small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Any cost or savings to other than small businesses will be related to the distribution or dispensing of the medication and any record keeping involved. The cost would be relative to the skills needed and the extent they would be involved with providing the medication to the public. Any effect on these businesses would be specific to the public health emergency. To what extent these businesses would be involved in the distribution, dispensing, or writing of prescriptions for the public, would be evaluated based on the specific situation. Any increase in their staff would include skill level required or additional clerical support.

Additional considerations related to the cost would be if funding would be available or if cost would be passed on to the non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This proposed rule will not result in a fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because this rule does not establish requirements for persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Any compliance cost for affected persons is unknown at this time. Considerations would be evaluated based on the emergency situation, cost of medication, staffing concerns, and volume of the public needing the services. Additional consideration related to the cost for compliance expenses would include potential funding from federal and state government, as well as other sources.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Nate Checketts, Executive Director

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory In	npact Table		
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Utah Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Title 26, Chapter 3	Section 58-1-307	Title 26, Chapter 25
	Title 26, Chapter 23b	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head or designee, and title:	Nate Checketts, Executive Director		05/31/2022
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R380. Health, Administration.

R380-65. Public Health Emergency Protocols. **R380-65-1.** Authority and Purpose.

(1) Pursuant to Section 26-1-5 and Subsection 58-1-307(8), this rule establishes the department's protocols to administer, dispense, and distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance in the event of a declaration of a national, state or local emergency.

(2) The protocols shall only be in effect during a public health emergency.

R380-65-2. Definitions.

(1) "Administer" means the direct application of a prescription drug, whether by injection, inhalation, ingestion, or by any other means, to the body of a human patient.

(2) "Controlled Substance" means the same as defined in Section 58-37-2.

(3) "Declaration of Emergency" means the declaration of a national emergency pursuant to federal law, a state emergency pursuant to Section 53-2a-206, a local emergency pursuant to Section 53-2a-208 or a public health emergency pursuant to Section 26-23b-104.

(4) "Department" means the Utah Department of Health and Human Services.

(5) "Dispense" means the interpretation, evaluation, and implementation of a prescription drug order or device or nonprescription drug or device under a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration or use.

(6) "Distribute" means to deliver a drug or device other than by administering or dispensing.

(7) "Health care resource" means the same as defined in Section 26-1-43.

(8) "Public health emergency" means the same as defined in Subsection 26-23b-102(9).

(9) "Scarce health care resource" means the same as defined in Section 26-1-43.

(10) "Strategic National Stockpile" means a national repository of antibiotics, chemical antidotes, antitoxins, life- support medications, IV administration, airway maintenance supplies, and medical or surgical items.

R380-65-3. Administration of Medication.

(1) Upon the declaration of an emergency, the department may administer a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance.

(2) The department shall administer a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance in accordance with all licensing requirements in Title 58, Occupations and Professions.

R380-65-4. Dispensing Medication.

(1) Upon the declaration of an emergency, the department may dispense or coordinate dispensing a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance for distribution, dispensing and administration.

(2) The department may dispense a medication authorized in Subsection (1) in accordance with Section R380-65-5 or upon receipt of a valid prescription drug order issued by an individual licensed under Title 58, Occupation and Professions, who is authorized to issue a prescription drug order.

(3) The department shall retain prescription files and other records in accordance with Title 58, Occupations and Professions.

(4) The department may establish a written protocol for a prescription drug order that it considers necessary for dispensing of a medication.

R380-65-5. Distribution of Medication.

(1) Upon the declaration of an emergency, the department may coordinate the distribution of a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance for distribution, dispensing and administration.

(2) The department may adopt, modify, require, facilitate, or recommend rationing criteria for the distribution of scarce healthcare resources in accordance with Rule R380-66.

(3) The department, through the medical director or other person with authority to prescribe, may issue a valid standing prescription drug order that authorizes a pharmacist and a pharmacist intern licensed under the Pharmacy Practice Act, Title 58, Chapter 17b, to dispense according to the requirements of the standing order.

(4) When the department coordinates the distribution of a medication without issuing a valid standing prescription drug order, the department may:

(a) distribute the medication;

(b) distribute the medication through local health departments pursuant to Section R380-60; or

(c) enter into an agreement with a third party to distribute the medication.

R380-65-6. Distribution of Controlled Substances.

(1) Upon the declaration of an emergency, the department may coordinate the distribution, dispensing and administration of a controlled substance.

(2) All relevant parties must adhere to Section 58-37-6 and Federal law governing dispensing and administration of a controlled substance.

R380-65-7. Protocol for Issuance of a Standing Prescription Drug Order.

Each standing prescription drug order issued under this rule shall adhere to the requirements of Subsection 58-1-307(6). In addition, each standing order shall also include the following:

(1) the conditions justifying dispensing the medication under a statewide standing prescription;

(2) a requirement specifying the persons or entities authorized to dispense the medication;

(3) the conditions required for a patient to receive the medication;

(4) the conditions, if any, for refill of the prescription;

(5) a requirement that those authorized to dispense the medication to make and retain a record of each person to whom the medication is dispensed pursuant to the recordkeeping requirements in this rule; and

(6) the expiration date of the standing order.

R380-65-8. Record Keeping for Standing Prescription Drug Orders.

(1) A person authorized to dispense medication in the standing order shall make and retain a record that includes the following information:

(a) the name, age, address and contact information of each patient receiving the medication;

(b) the NDC, or other identifying code, of the medication dispensed; and

(c) any other relevant information required by the standing order issued by the medical director or a physician designated by the executive director.

(2) A person authorized to distribute medication shall make and retain a record that includes the name, address and contact information of each entity receiving the medication and any other relevant information required by the department at the time of distribution.

(3) If the circumstances of the emergency make it impossible to comply with this section, the executive director of the department may grant an exception in writing to this requirement and limit the record keeping requirement to records as are appropriate and possible in the circumstances of the emergency.

(4) Record keeping shall be in effect as required by Section R156-37-602 if the executive director of the department does not grant an exception as described in Subsection R380-65-8(3).

R380-65-9. Confidentiality.

Information created or collected by the department for activities conducted under this rule, or a standing order, is confidential and protected, and the use, access, or disclosure of such information is subject to the specific provisions of applicable law, rule, or regulation governing the activity. Where there is a conflict between two applicable provisions of law, the provision that is the most protective of the privacy of the information shall govern. Where there is no other more specific or applicable provision of law, the information shall be subject to Title 26, Chapter 3, Health Statistics.

R380-65-10. Compliance with Inventory Management.

(1) Recipients of vaccine, antiviral, antibiotic, or other prescription medications shall maintain inventory records in accordance with department requirements. The department may also obtain and review records of the recipient at any time.

(2) Records regarding the inventory, distribution, dispensing and administration of a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance shall be consistent with the terms of any Emergency Use Authorization or specific Strategic National Stockpile instructions.

(3) If the circumstances of the emergency make it impossible to keep inventory records, the executive director of the department may grant an exception in writing to this requirement limiting the record keeping requirement to such records as are appropriate and possible in the circumstances of the emergency.

(4) If no exception is made by the executive director of the department as described in Subsection R380-65-10(3), record keeping shall be in effect as required by law.

KEY: public health emergency, medication protocols, standing orders, distribution of medication Date of Last Change: 2022 Authorizing, and Implemented or Interpreted Law: 58-1-307; 26-3; 26-23b; 26-25

NOTICE OF PROPOSED RULE			
TYPE OF RULE: No	ew		
Utah Admin. Code Ref (R no.):	R380-66	Filing ID 54664	

Agency Information

Agency informatio	חכ		
1. Department:	Health		
Agency:	Administration		
Room no.:	430		
Building:	Martha I	Hughes Cannon Building	
Street address:	288 N 14	460 W	
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 141000		
City, state and zip:	Salt Lake City, UT 84114-1000		
Contact person(s):		
Name:	Phone:	Email:	
Michelle Hofmann	801- 538- 6111	udohedo@utah.gov	
Jonah Shaw	385- 310-	jshaw@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Ru	ile or	section	catchline:	
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R380-66. Medical Rationing Procedures

2389

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

S.B. 194, passed in the 2022 General Session, requires the Department of Health (Department) to make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, on or before 07/01/2022, to establish a procedure that the Department will follow to adopt, modify, require, facilitate, or recommend rationing criteria.

(EDITOR'S NOTE: A corresponding 120-day emergency new Rule R380-66 that is effective as of 06/01/2022 is

under ID 54663 in this issue, June 15, 2022, of the Bulletin.)

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule establishes a procedure to adopt, modify, require, facilitate, or recommend rationing criteria for scarce healthcare resources.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

It is not anticipated that this rule will result in a fiscal impact to the state budget, as this rule establishes the procedure to adopt, modify, require, facilitate, or recommend rationing criteria for scarce healthcare resources. Any fiscal impact was accounted for in the fiscal note of S.B. 194 (2022).

B) Local governments:

This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for local agencies.

C) Small businesses ("small business" means a business employing 1-49 persons):

This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This proposed rule will not result in a fiscal impact to nonsmall businesses because this rule does not establish requirements for non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This proposed rule will not result in a fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because this rule does not establish requirements for persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs associated with this rule.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Nate Checketts, Executive Director

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Utah Department of Health, Nate Checketts, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26-1-45 Section 26-1-5

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 08/01/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

	Nate Checketts, Executive Director	05/31/2022
and title:		

R380. Health, Administration.

R380-66. Medical Rationing Procedures.

R380-66-1. Purpose and Authority.

(1) Section 26-1-45 requires the department to have a rule that establishes a procedure to adopt, modify, require, facilitate, or recommend rationing criteria for scarce healthcare resources.

(2) This rule is authorized by Sections 26-1-45 and 26-1-5.

R380-66-2. Definitions.

<u>The definitions found in Section 26-1-45 apply to this rule.</u> In addition, the following definitions apply:

(1) "Advisory panel" means a panel of experts serving in an advisory capacity to the department for the allocation of scarce health care resources.

(2) "Emergency circumstance" means a situation that poses an imminent threat to the life, health, or safety of citizens including one or more of the following:

(a) treatment is no longer efficacious;

(b) chemical, biological, radiological and nuclear agents; (c) terrorist attack; or

(d) a catastrophic natural disaster.

(3) "Public health emergency" means the same as defined in Subsection 26-23b-102(9).

(4) "Health care resource" means the same as defined in Section 26-1-45.

(5) "Rationing criteria" means the same as defined in Section 26-1-45.

(6) "Scarce health care resource" means the same as defined in Section 26-1-45.

R380-66-3. Basis and Purpose of the Advisory Panel.

(1) To provide expertise in analysis regarding scarce health care resources.

(2) To formulate and recommend ethical allocation frameworks and rationing criteria for scarce health care resources.

R380-66-4. Appointment of Members to the Advisory Panel.

(1) When the executive director or a designee determines that a scarce health care resource exists, the executive director or designee shall consult with relevant healthcare organizations and then appoint experts to an advisory panel.

(2) All participants on the advisory panel shall submit a conflict of interest form in accordance with the department's conflict of interest policy.

R380-66-5. Procedures.

(1) The executive director or designee shall activate the advisory panel in the event of a public health emergency or if the executive director or designee deems necessary based on the presence of a scarce health resource.

(2) The advisory panel may invite additional subject matter experts to provide advice and opinions to the advisory panel at any time.

(3) The advisory panel shall make rationing criteria recommendations for scarce health care resources.

(4) The department shall compile a report of recommendations from the advisory panel.

(5) Within a reasonable time of receiving the recommendation from the advisory panel, the executive director will review the recommendation and its rationing criteria. When reviewing the recommendation and the criteria, the executive director may consult with the executive medical director, the department's legal counsel and others that the executive director determines appropriate. The executive director shall adopt, reject, or revise the advisory panel's recommendation.

(6) Department-approved rationing criteria will apply to healthcare professionals, clinics, facilities, and patients in the state.

(7) Approved rationing criteria will allow for individual provider-to-patient clinical judgment.

(8) Before issuing the rationing criteria or having the rationing criteria take effect, the department will send the rationing criteria in writing to the individuals identified in Subsection 26-1-45(3)(a).

(9) In the event of an emergency circumstance under which notification of approved rationing criteria is not possible the department shall notify the individuals identified in Subsection 26-1-45(3)(a) as soon as practicable, but no later than 48 hours after the rationing criteria take effect.

KEY: public health emergency, medical rationing procedures, scarce healthcare resource

Date of Last Change: 2022

<u>Authorizing, and Implemented or Interpreted Law: 26-1-45, 26-1-5</u>

NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal and Reenact			
Utah Admin. Code Ref (R no.):		Filing ID 54644	

Agency Information

1. Department:	Natural Resources	
Agency:	Water Rights	
Room no.:	220	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Marianne Burbidge	801- 538- 7370	marianneburbidge@utah.gov
Please address q	uestions	regarding information on this

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R655-4. Water Wells

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

H.B. 177, Water Well Amendments, passed in the 2022 General Session with required rule updates.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

H.B. 177 (2022) changed Section 72-2-1 which requires the state engineer to regulate all water production wells regardless of depth. This requires a revision to Rule R655-4 to accommodate the requirement placed in H.B. 177. In addition, corrections and clarifications to this rule have been made by the Division of Water Rights (Division) staff.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

\$300 in FY23. Enactment of this legislation could cost the Division an estimated \$300 one-time from the General Fund in staff time for rulemaking. The Division leadership indicated that they can cover this cost with the existing appropriation.

B) Local governments:

Enactment of this legislation likely will not result in direct, measurable costs for local governments. Fiscal impact was accounted for in the fiscal note of H.B. 177 (2022).

C) Small businesses ("small business" means a business employing 1-49 persons):

Enactment of this legislation likely will not result in direct, measurable costs for small businesses. Fiscal impact was accounted for in the fiscal note of H.B. 177 (2022).

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Enactment of this legislation likely will not result in direct, measurable costs for non-small businesses. Fiscal impact was accounted for in the fiscal note of H.B. 177 (2022).

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

Enactment of this legislation likely will not result in direct, measurable costs for other persons. Fiscal impact was accounted for in the fiscal note of H.B. 177 (2022).

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Enactment of this legislation likely will not result in direct, measurable costs for affected persons. Fiscal impact was accounted for in the fiscal note of H.B. 177 (2022).

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

I, Brian Steed, Executive Director of the Department of Natural Resources, have reviewed the fiscal impact this rule has on businesses.

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$300	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$300	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

 B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 73-2-1 Section 73-3-25

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:		
	First Incorporation	
Official Title of Materials Incorporated (from title page)	ANSI-AWWA A100-AWWA Standard for Water Wells	
Publisher	American Water Works Association (AWWA)	
Date Issued	July 1, 2020	
Issue, or version	2020 Edition	

B) This rule adds, updates, or removes the following title of materials incorporated by references:

	Second Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A53/A53M-20 Standard Specification for Pipe, Steel, Black And Hot Dipped, Zinc-Coated, Welded and Seamless
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	July 1, 2020
Issue, or version	2020 Edition

C) This rule adds, updates, or removes the following title of materials incorporated by references:

	Third Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A139/A139M-16 Standard Specification For Electric-Fusion (Arc)-Welded Steel Pipe (NPS 4 And Over)
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	March 1, 2016
Issue, or version	2016 Edition

D) This rule adds, updates, or removes the following title of materials incorporated by references:

	Fourth Incorporation
Official Title of Materials Incorporated (from title page)	AWWA C200-2017 Steel Water Pipe, 6 In. (150 Mm) And Larger
Publisher	American Water Works Association (AWWA)
Date Issued	August 1, 2017
Issue, or version	2017 Edition

E) This rule adds, updates, or removes the following title of materials incorporated by references:

	Fifth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A589/A589M-06(2018) Standard Specification For Seamless And Welded Carbon Steel Water-Well Pipe
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	October 2, 2018
Issue, or version	2018 Edition

F) This rule adds, updates, or removes the following title of materials incorporated by references:	
	Sixth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A106/A106M-19a Standard Specification For Seamless Carbon Steel Pipe For High-Temperature Service
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	November 21, 2019
Issue, or version	2019 Edition

G) This rule adds, updates, or removes the following title of materials incorporated by references:

	Seventh Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A778/A778M-16(2021) Standard Specification For Welded, Unannealed Austenitic Stainless Steel Tubular Products
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	April 22, 2021
Issue, or version	2021 Edition

H) This rule adds, updates, or removes the following title of materials incorporated by references:

	Eighth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A252/A252M-19 Standard Specification For Welded And Seamless Steel Pipe Piles
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	July 11, 2019
Issue, or version	2019 Edition

I) This rule adds, updates, or removes the following title of materials incorporated by references:

	Ninth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A312/A312M-21 Standard Specification For Seamless, Welded, And Heavily Cold Worked Austenitic Stainless Steel Pipes
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	May 28, 2021
Issue, or version	2021 Edition

J) This rule adds, updates, or removes the following title of materials incorporated by references:

	Tenth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A409/A409M-19 Standard Specification For Welded Large Diameter Austenitic Steel Pipe For Corrosive Or High-Temperature Service
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	November 1, 2019
Issue, or version	2019 Edition

K) This rule adds, updates, or removes the following title of materials incorporated by references:

	Eleventh Incorporation
Official Title of Materials Incorporated (from title page)	ASTM A606/A606M-18 Standard Specification For Steel, Sheet And Strip, High-Strength, Low-Alloy, Hot- Rolled And Cold-Rolled, With Improved Atmospheric Corrosion Resistance
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	March 21, 2018
Issue, or version	2018 Edition

L) This rule adds, updates, or removes the following title of materials incorporated by references:

	Twelfth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM F480-14(2022) Standard Specification For Thermoplastic Well Casing Pipe And Couplings Made In Standard Dimension Ratios (SDR), SCH 40 And SCH 80
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	March 2, 2022
Issue, or version	2022 Edition

M) This rule adds, updates, or removes the following title of materials incorporated by references:

	Thirteenth Incorporation
Official Title of Materials	NSF/ANSI/CAN 60-2021/NSF/ANSI/ CAN 600-2021 Drinking Water
Incorporated	Treatment - Chemicals - Health
(from title page)	Effects
Publisher	National Sanitation Foundation (NSF)

Date Issued	2021
Issue, or version	2021 Edition

N) This rule adds, updates, or removes the following title of materials incorporated by references:

	Fourteenth Incorporation
Official Title of Materials Incorporated (from title page)	NSF/ANSI/CAN 61-2021/NSF/ANSI/ CAN 600-2021 Drinking Water System Components - Health Effects
Publisher	National Sanitation Foundation (NSF)
Date Issued	2021
Issue, or version	2021 Edition

O) This rule adds, updates, or removes the following title of materials incorporated by references:

	Fifteenth Incorporation
Official Title of Materials Incorporated (from title page)	Construction of Vertical Boreholes for Closed-Loop Heat Pump Systems Design and Installation Standards
Publisher	International Ground Source Heat Pump Association (IGSHPA)
Date Issued	2017
Issue, or version	2017 Edition

P) This rule adds, updates, or removes the following title of materials incorporated by references:

	Sixteenth Incorporation
Official Title of Materials Incorporated	Guidelines for Loop Wells for Vertical Closed Loop Ground Source Heat Pumps
(from title page)	
Publisher	National Ground Water Association (NGWA)
Date Issued	2017
Issue, or version	2017 Edition

Q) This rule adds, updates, or removes the following title of materials incorporated by references:

	Seventeenth Incorporation
Official Title of Materials Incorporated (from title page)	ASSE Standard 1093-2019/WSC PAS-97(2019) Performance Requirements For Pitless Adapters, Pitless Units, And Well Caps
Publisher	Water Systems Council (WSC)

Date Issued	July 2019
Issue, or version	2019 Edition

R) This rule adds, updates, or removes the following title of materials incorporated by references:

	Eighteenth Incorporation
Official Title of Materials Incorporated (from title page)	ASTM C150-07 Standard Specification for Portland Cement
Publisher	American Society for Testing and Materials (ASTM)
Date Issued	December 20, 2012
Issue, or version	07 Version

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY07/22/2022become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Teresa	Date:	05/25/2022
or designee,	Wilhelmsen,		
and title:	Director		

R655. Natural Resources, Water Rights.

R655-4. Water Wells.

[R655-4-1. Purpose, Scope, and Exclusions.

1.1 Purpose.

<u>Under Subsection 73-2-1(4)(b)</u>, the State Engineer, as the Director of the Utah Division of Water Rights, is required to make rules regarding well construction and related regulated activities and the licensing of water well drillers and pump installers.

These rules are promulgated pursuant to Section 73-3-25. The purpose of these rules is to assist in the orderly development of underground water; insure that minimum construction standards are followed in the drilling, construction, deepening, repairing, renovating, cleaning, development, testing, disinfection, pump installation/repair, and abandonment of water wells and other regulated wells; prevent pollution of aquifers within the state; prevent wasting of water from flowing wells; obtain accurate records of well construction operations; and insure compliance with the state engineer's authority for appropriating water.

These rules also establish administrative procedures for applications, approvals, hearings, notices, revocations, orders and their judicial review, and all other administrative procedures required or allowed by these rules. These rules shall be liberally construed to permit the Division to effectuate the purposes of Utah law.

<u>1.2 Scope.</u>

The drilling, construction, deepening, repair, renovation, replacement, or abandonment of the following types of wells are regulated by these administrative rules and the work must be permitted by the Utah Division of Water Rights and completed by a licensed well driller. The cleaning, development, testing, and disinfection, in the following types of wells is regulated by these administrative rules and the work must be completed by a licensed well driller or a licensed pump installer; however a permit is not required. Moreover, the installation and repair of pumps in the following types of wells are regulated by these administrative rules and the work must be completed by a licensed pump installer; however a permit is not required. Pursuant to Section 73-3-25(2)(a), a person conducting pump installation and repair work on their own well on their own property for their own use is exempt from these rules and is not required to have a pump installer's license. These rules apply to both vertical, angle and horizontal wells if they fall within the criteria listed below. The rules contained herein pertain only to work on or within the well itself. These rules do not regulate the incidental work beyond the well such as plumbing, electrical, and excavation work up to the well; and the building of well enclosures unless these activities directly impact or change the construction of the well itself. The process for an applicant to obtain approval to drill, construct, deepen, repair, renovate, clean, develop, abandon, or replace the wells listed below in 1.2.1, 1.2.2, 1.2.3, and 1.2.4 is outlined in Section R655-4-9 of these rules.

1.2.2 Closed loop and open loop Heating and/or cooling exchange wells which are greater than 30 feet in depth and which encounter formations containing groundwater. If a separate well or borehole is required for re-injection purposes, it must also comply with these administrative rules.

1.2.3 Monitor, piezometer, and test wells designed for the purpose of testing and monitoring water level, pressure, quality and/or quantity which are completed to a depth greater than 30 feet.

1.2.4 Other wells (cased or open) which are completed to a depth greater than 30 feet that can potentially interfere with established aquifers such as wells to monitor mass movement (inclinometers), facilitate horizontal utility placement, monitor manmade structures, house instrumentation to monitor structural performance, or dissipate hydraulic pressures (dewatering wells).

<u>1.2.6 Public water system supply wells.</u>

1.2.7 Recharge and recovery wells which are drilled under the provisions of Title 73, Chapter 3b "Groundwater Recharge and Recovery Act" Utah Code Annotated.

1.3 Exclusions.

The drilling, construction, deepening, repair, renovation, replacement, cleaning, development, pump installation/repair, or abandonment of the following types of wells or boreholes are excluded from regulation under these administrative rules:

1.3.1 Any wells described in Section 1.2 that are constructed to a final depth of 30 feet or less. However, diversion

and beneficial use of groundwater from wells at a depth of 30 feet or less shall require approval through the appropriation procedures and policies of the state engineer and Title 73, Chapter 3 of the Utah Code Annotated.

1.3.2 Geothermal wells. Although not regulated under the Administrative Rules for Water Wells, geothermal wells are subject to Section 73-22-1 "Utah Geothermal Resource Conservation Act" Utah Code Annotated and the rules promulgated by the state engineer including Section R655-1, Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah. Moreover, those drilling and constructing geothermal wells must hold a current well driller's license in accordance with Sections R655-4-3 and R655-4-8 of these rules.

1.3.3 Temporary exploratory wells drilled to obtain information on the subsurface strata on which an embankment or foundation is to be placed or an area proposed to be used as a potential source of material for construction.

1.3.5 Geotechnical borings drilled to obtain lithologic data which are not installed for the purpose of utilizing or monitoring groundwater, and which are properly sealed immediately after drilling and testing.

1.3.6 Oil, gas, and mineral/mining exploration/production wells. These wells are subject to rules promulgated under the Division of Oil, Gas, and Mining of the Utah Department of Natural Resources.

1.3.7 Well setback/separation and water quality testing requirements are generally regulated at the local health department level or by another state agency.

R655-4-2. Definitions.

ABANDONED WELL – any well which is not in use and has been sealed or plugged with approved sealing materials so that it is rendered unproductive and shall prevent contamination of groundwater. A properly abandoned well will not produce water nor serve as a channel for movement of water from the well or between water bearing zones.

ADDRESS - the current residential or business address of a well driller as recorded in the Division's files.

ADJUDICATIVE PROCEEDING — means, for the purposes of this rule, an administrative action or proceeding commenced by the Division in conjunction with an Infraction Notice; or an administrative action or proceeding commenced in response to a well driller's appeal or a Cease and Desist Order or an appeal of a restriction or denial of a license renewal application.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) - a nationally recognized testing laboratory that certifies building products and adopts standards including those for steel and plastic (PVC) casing utilized in the well drilling industry. ANSI standards are often adopted for use by ASTM and AWWA. Current information on standards can be obtained from: ANSI, 1430 Broadway, New York, NY 10018 (ANSI.org).

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) - an independent organization concerned with the development of standards on characteristics and performance of materials, products and systems including those utilized in the well drilling industry. Information may be obtained from: ASTM, 1916 Race Street, Philadelphia, PA 19013 (ASTM.org).

 represent a consensus of the water supply industry that the product or procedure described in the standard shall provide satisfactory service or results. Information may be obtained from: AWWA, 6666 West Quincy Avenue, Denver CO 80235 (AWWA.org).

ANNULAR SPACE - the space between the outer well easing and the borehole or the space between two sets of casing.

AQUIFER a porous underground formation yielding withdrawable water suitable for beneficial use.

ARTESIAN AQUIFER – a water bearing formation which contains underground water under sufficient pressure to rise above the zone of saturation.

ARTESIAN WELL - a well where the water level rises appreciably above the zone of saturation.

BACKFLOW PREVENTER means a safety device, assembly, or construction practice used to prevent water pollution or contamination by preventing flow of a mixture of water and/or chemicals from the distribution piping into a water well or in the opposite direction of that intended. This includes but is not limited to check valves, foot valves, curb stops, or air gaps

BENTONITE - a highly plastic, highly absorbent, colloidal swelling clay composed largely of mineral sodium montmorillonite. Bentonite is commercially available in powdered, granular, tablet, pellet, or chip form which is hydrated with potable water and used for a variety of purposes including the stabilization of borehole walls during drilling, the control of potential or existing high fluid pressures encountered during drilling below a water table, well abandonment, and to provide a seal in the annular space between the well casing and borehole wall.

BENTONITE GROUT - a mixture of bentonite and potable water specifically designed to seal and plug wells and boreholes mixed at manufacturer's specifications to a grout consistency which can be pumped through a pipe directly into the annular space of a well or used for abandonment. Its primary purpose is to seal the borehole or well in order to prevent the subsurface migration or communication of fluids.

CASH BOND - A type of well driller bond in the form of a certificate of deposit (CD) submitted and assigned to the State Engineer by a licensed driller to satisfy the required bonding requirements.

CASING - a tubular retaining and sealing structure that is installed in the borehole to maintain the well opening.

CATHODIC PROTECTION WELL - a well constructed for the purpose of installing deep anodes to minimize or prevent electrolytic corrosive action of metallic structures installed below ground surface, such as pipelines, transmission lines, well casings, storage tanks, or pilings.

CEASE AND DESIST ORDER – means an order issued by the State Engineer comprised of a red tag placed on a well rig at the well drilling location and a letter to the driller requiring that all well drilling activity at the well drilling location cease until such time as the order is lifted.

CLOSED-LOOP HEATING/COOLING EXCHANGE WELL means the subsystem of a geothermal heat pump system that consists of the drilled vertical borehole into the Earth that is equipped with a heat exchange media conveyance tube (loop tube), and is grouted from the bottom of the vertical borehole to the Earth's surface at the drilling site. Construction of a geothermal heat pump loop well includes, in continuous order, drilling of the vertical borehole, placement of the loop tube to the bottom of the vertical borehole with the grout tremie, and grouting of the vertical borehole from the bottom of the vertical borehole to the Earth's surface at the drill site. Closed loop systems circulate a heat transfer fluid (such as water or a mixture of water and food grade/non toxic anti-freeze) to exchange heat with the subsurface geological environment.

CONDUCTOR CASING means the temporary or permanent casing used in the upper portion of the well bore to prevent collapse of the formation during the construction of the well or to conduct the gravel pack to the perforated or screened areas in the casing.

<u>CONFINING UNIT</u> a geological layer either of unconsolidated material, usually clay or hardpan, or bedrock, usually shale, through which virtually no water moves.

CONSOLIDATED FORMATION - bedrock consisting of sedimentary, igneous, or metamorphic rock (e.g., shale, sandstone, limestone, quartzite, conglomerate, basalt, granite, tuff, etc.).

DEFAULT ORDER means an order issued by the Presiding Officer after a well driller fails to attend a hearing in a well driller adjudicative proceeding. A Default Order constitutes a Final Judgment and Order.

DEWATERING WELL - a water extraction well constructed for the purpose of lowering the water table elevation, either temporarily or permanently, around a man made structure or construction activity.

DISINFECTION - or disinfecting is the use of chlorine or other disinfecting agent or process approved by the state engineer, in sufficient concentration and contact time adequate to inactivate or eradicate bacteria such as coliform or other organisms.

DIVISION - means the Division of Water Rights. The terms Division and State Engineer may be used interchangeably in this rule.

DRAWDOWN - the difference in elevation between the static water level and the pumping water level in a well.

 DRILL RIG – any power-driven percussion, rotary, boring, coring, digging, jetting, or augering machine used in the construction of a well or borehole.

EMERGENCY SITUATION - any situation where immediate action is required to protect life or property. Emergency status would also extend to any situation where life is not immediately threatened but action is needed immediately and it is not possible to contact the state engineer for approval. For example, it would be considered an emergency if a domestic well needed immediate repair over a weekend when the state engineer's offices are closed.

FILES - means information maintained in the Division's public records, which may include both paper and electronic information.

FINAL JUDGMENT AND ORDER means a final decision issued by the Presiding Officer on the whole or a part of a well driller adjudicative proceeding. This definition includes "Default Orders."

GRAVEL PACKED WELL - a well in which filter material such as sand and/or gravel is placed in the annular space between the well intakes (screen or perforated casing) and the borehole wall to increase the effective diameter of the well and to prevent fine-grained sediments from entering the well.

GROUNDWATER -- subsurface water in a zone of saturation.

GROUT - a fluid mixture of Portland cement or bentonite with water of a consistency that can be forced through a pipe and placed as required. Upon approval, various additives such as sand, bentonite, and hydrated lime may be included in the mixture to meet different requirements.

HEATING/COOLING EXCHANGE SYSTEM also known as GeoExchange, ground source heat pump, geothermal heat pump, and ground-coupled heat pump; a heat pump that uses the Earth itself as a heat source (heating) and heat sink (cooling). It is coupled to the ground by means of a closed loop heat exchanger installed vertically underground or by physically pumping water from a well with an open loop systems and utilizing the thermal properties of the water to heat or cool.

HYDRAULIC FRACTURING the process whereby water or other fluid is pumped with sand under high pressure into a well to fracture and clean out the rock surrounding the well bore thus increasing the flow to the well.

INFRACTION NOTICE - means a notice issued by the Division to the well driller informing him of his alleged act or acts violating the Administrative Rules for Water Drillers and the infraction points that have been assessed against him.

ISSUED - means a document executed by an authorized delegate of the State Engineer (in the case of an Infraction Notice) or by the Presiding Officer (in the case of a Hearing Notice, Final Judgment and Order or other order related to a well driller adjudicative proceeding) and deposited in the mail.

LICENSE - means the express grant of permission or authority by the State Engineer to carry on the activity of well drilling.

LICENSED_PUMP_INSTALLER — means a qualified individual who has obtained a license from the Division and who is engaged in the installation, removal, alteration, or repair of pumps and pumping equipment for compensation.

LOG – means an official document or report that describes where, when, and how a regulated well was drilled, constructed, deepened, repaired, renovated, cleaned, developed, tested, equipped with pumping equipment, and/or abandoned. A Log shall be submitted to the Division by a licensee on forms provided by the Division including a Well Driller's Report, Well Abandonment Report, or Pump Installer's Report.

MONITOR WELL - a well, as defined under "well" in this section, that is constructed for the purpose of determining water levels, monitoring chemical, bacteriological, radiological, or other physical properties of ground water or vadose zone water.

NEAT CEMENT GROUT — cement (types I, II, III, V, high alumina, or a combination thereof) conforming to the ASTM Standard C150 (standard specification of Portland cement), with no more than six gallons of water per 94 pound sack (one cubic foot) of cement of sufficient weight density of not less than 15 lbs/gallon. One cubic yard of neat cement grout contains approximately 1993 pounds of Portland cement and not more than 127 gallons of clean water. Bentonite, controlled density fill (CDF), or fly ash shall not be added to neat cement grout unless state engineer approval is received.

NOMINAL SIZE - means the manufactured commercial designation of the diameter of a casing. An example would be casing with an outside diameter of 12 3/4 inches which may be nominally 12 inch casing by manufactured commercial designation.

OPEN-LOOP HEATING/COOLING EXCHANGE WELL
 means a well system in which groundwater is extracted from a typical water production well and pumped through an above ground

heat exchanger inside the heat pump system. Heat is either extracted or added by the primary refrigerant loop (primary loop refrigerant does not come into contact with the pumped water), and then the water is returned to the same aquifer by injection through the original extraction well or through a separate injection well.

OPERATOR - a drill rig operator or pump rig operator is an individual who works under the direct supervision of a licensed Utah Water Well Driller or Pump Installer and who can be left in responsible charge of regulated well drilling or pump installation/repair activity using equipment that is under the direct control of the licensee.

PARTY means the State Engineer, an authorized delegate of the State Engineer, the well driller, the pump installer, or the affected well owner.

PIEZOMETER - a tube or pipe, open at the bottom in groundwater, and sealed along its length, used to measure hydraulic head or water level in a geologic unit.

PITLESS ADAPTER a commercially manufactured devise designed for attachment to a well easing which allows buried pump discharge from the well and allows access to the interior of the well casing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655 4-11.3.2 and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth or surface seal.

PITLESS UNIT – a factory assembled device with cap which extends the upper end of a well casing to above grade and is o constructed as to allow for buried pump discharge from the well and allows access to the interior of the well casing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11.3.2 and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth or surface seal.

POLLUTION - the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

<u>POTABLE WATER</u> water supplied for human consumption, sanitary use, or for the preparation of food or pharmaceutical products which is free from biological, chemical, physical, and radiological impurities.

PRESIDING OFFICER - means an authorized delegate of the State Engineer who conducts a well driller adjudicative proceeding.

PRESSURE GROUTING - a process by which grout is confined within the drillhole or casing by the use of retaining plugs or packers and by which sufficient pressure is applied to drive the grout slurry into the annular space or zone to be grouted.

PRIVATE WATER PRODUCTION WELL - a privately owned well constructed to supply water for any purpose which has been approved by the state engineer (such as irrigation, stockwater, domestic, commercial, industrial, etc.).

PROBATION - A disciplinary action that may be taken by the state engineer that entails greater review and regulation of well drilling activities but which does not prohibit a well driller from engaging in the well drilling business or operating well drilling equipment.

PROVISIONAL WELL – authorization granted by the state engineer to drill under a pending, unapproved water right, change or exchange application; or for the purpose of determining characteristics of an aquifer, or the existence of a useable groundwater source. Water from a provisional well cannot be put to beneficial use until the application has been approved.

PUBLIC WATER SYSTEM SUPPLY WELL - a well, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year. Public Water System Supply Wells are also regulated by the Division of Drinking Water in the Utah Department of Environmental Quality (Section R309 of the Utah Administrative Code).

 PUMP/PUMPING EQUIPMENT - means any equipment or materials utilized or intended for use in withdrawing or obtaining groundwater for any use.

PUMP INSTALLATION/REPAIR - means the procedure employed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including all construction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

 PUMPING WATER LEVEL - the water level in a well after a period of pumping at a given rate.

RECORD means the official collection of all written and electronic materials produced in a well driller adjudicative proceeding, including but not limited to Infraction Notices, pleadings, motions, exhibits, orders and testimony produced during the adjudicative proceedings, as well as the files of the Division as defined herein.

REPAIRING, RENOVATING, AND DEEPENING means the deepening, hydrofracturing, re-casing, perforating, reperforating, installation of packers or seals, and any other material change in the design or construction of a well. Material changes include but are not limited to casing installation or modification including casing extensions, installation or modification of liner pipe, reaming or under reaming of the borehole, pitless unit installation or re-sealing.

REVOCATION - A disciplinary action that may be taken by the state engineer that reseinds the well driller's Utah Water Well Driller's License

 SAND - a material having a prevalent grain size ranging from 2 millimeters to 0.06 millimeters.

SAND CEMENT GROUT - a grout consisting of equal parts by volume of cement conforming to ASTM standard C150 and clean sand/aggregate with no more than six (6) gallons of water per 94 pound sack (one cubic foot) of cement.

STANDARD DIMENSION RATIO (SDR) - the ratio of average outside pipe diameter to minimum pipe wall thickness.

STATE ENGINEER - the director of the Utah Division of Water Rights or any employee of the Division of Water Rights designated by the state engineer to act in administering these rules. The terms Division and State Engineer may be used interchangeably in this rule.

SURETY BOND - an indemnity agreement in a sum certain and payable to the state engineer, executed by the licensee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in the State of Utah.

SUSPENSION A disciplinary action that may be taken by the state engineer that prohibits the well driller from engaging in the well drilling business or operating well drilling equipment as a registered operator for a definite period of time and /or until certain conditions are met.

TEST WELL – authorization granted by the state engineer to drill under a Non-production well approval for the purpose of determining characteristics of an aquifer, or the existence of a useable groundwater source. Water from a Test Well cannot be put to beneficial use.

TREMIE PIPE - a device that carries materials such as seal material, gravel pack, or formation stabilizer to a designated depth in a drill hole or annular space.

UNCONSOLIDATED FORMATION -- loose, soft, incoherent rock material composed of sedimentary, igneous, or metamorphic rock which includes sand, gravel, and mixtures of sand and gravel. These formations are widely distributed and can possess good water storage and transmissivity characteristics.

UNHYDRATED BENTONITE - dry bentonite consisting primarily of granules, tablets, pellets, or chips that may be placed in a well or borehole in the dry state and hydrated in place by either formation water or by the addition of potable water into the well or borehole containing the dry bentonite. Unhydrated bentonite can be used for sealing and abandonment of wells.

VADOSE ZONE - the zone containing water under less than atmospheric pressure, including soil water, intermediate vadose water and capillary water. The zone extends from land surface to the zone of saturation or water table.

WATERTIGHT - a condition that does not allow the entrance, passage, or flow of water under normal operating conditions.

WELL - a horizontal or vertical excavation or opening into the ground made by digging, boring, drilling, jetting, augering, or driving or any other artificial method and left cased or open for utilizing or monitoring underground waters.

WELL DRILLER - any person who is licensed by the state engineer to construct water wells for compensation or otherwise. The licensed driller has total responsibility for the construction work in progress at the well drilling site.

WELL DRILLER BOND - A financial guarantee to the state engineer, in the form of a surety bond or eash bond, by which a licensed driller binds himself to pay the penal sum of \$5,000 to the state engineer in the event of significant noncompliance with the Administrative Rules for Water Wells.

WELL DRILLING - the act of drilling, constructing, deepening, replacing, repairing, renovating, cleaning, developing, or abandoning a well.

R655-4-3. Licenses and Registrations.

3.1 General.

<u>3.1.1</u> Section 73 3-25 of the Utah Code requires every person that drills, constructs, deepens, repairs, renovates, cleans, develops, tests, disinfects, installs/repairs pumps, and abandons a regulated well in the state to obtain a license from the state engineer. Licenses and registrations are not transferable. Applicants for well driller or pump installer licensure must meet all requirements in this subsection, and applicants cannot obtain a Utah license through reciprocity or comity with a similar license from other States or organizations.

3.1.2 Any person found to be performing regulated well activity without a valid license (well driller's license or pump installer's license, as applicable) or operator's registration will be ordered to cease and desist by the state engineer. The order may be made verbally but must also be followed by a written order. The order may be posted at an unattended well drilling site. A person found performing regulated well activities without a license will be subject to the state engineer's enforcement powers under Section 73-2-25 of the Utah Code (Related rules: Section R655-14 UAC) and subject to criminal prosecution under Section 73-3-26 of the Utah Code annotated, 1953.

3.2 Well Driller's License.

A Utah Well Driller's License allows an individual to perform regulated well activity including drilling, construction, deepening, repairing, renovating, cleaning, development, testing, disinfection, pump installation/repair, and abandonment of water wells and other regulated wells. An applicant must meet the following requirements to become licensed as a Utah Water Well Driller:

3.2.1 Applicants must be 21 years of age or older and be a eitizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application);

<u>3.2.2 Complete and submit the application form provided</u> by the state engineer.

<u>3.2.4 Provide documentation of experience according to</u> the following standards:

3.2.4.1 Water well drillers shall provide documentation of at least two (2) years of full time prior water well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing OR documentation of sixteen (16) applicable wells constructed by the applicant under the supervision of a licensed well driller in good standing.

3.2.4.2 Monitor well drillers shall provide documentation of at least two (2) years of full time prior monitor well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing OR documentation of thirty two (32) wells constructed by the applicant under the supervision of a licensed well driller in good standing.

3.2.4.3 Heating/cooling exchange and other nonproduction well drillers must provide documentation of at least six (6) months of full time prior well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing AND documentation of sixteen (16) well drilling projects constructed by the applicant under the supervision of a licensed well driller in good standing.

3.2.4.4 A copy of the well log for each well constructed must be provided. The documentation must also show the applicant's experience with each type of drilling rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, letters from licensed well drillers (Utah or other states), or a water well drilling license granted by another state, etc.

3.2.4.5 Successful completion of training/education in well drilling, geology, map reading, and other related subjects may be substituted for up to, but not exceeding, twenty five percent of the required drilling experience, and for up to, but not exceeding, twenty five percent of the required drilled wells or well drilling projects. The state engineer will determine the number of months of drilling experience and the number of drilled wells that will be credited for the classroom study.

3.2.4.6 A limited or restricted license can be obtained in subcategories of activity including well cleaning, well renovation, well abandonment, and well development/testing. Testing requirements for these license subcategories will be reduced or limited in accordance with the level of activity.

<u>3.2.6 Obtain a score of at least 70% on each of the written</u> licensing examinations required and administered by the state engineer. The required examinations test the applicant's knowledge of:

a. The Administrative Rules for Water Wells and Utah water law as it pertains to underground water;

 b. The minimum construction standards established by the state engineer for water well construction;

 Geologic formations and proper names used in describing underground material types;

 d. Reading maps and locating points from descriptions based on section, township, and range;

e. Groundwater geology and the occurrence and movement of groundwater;

f. The proper operating procedures and construction methods associated with the various types of water well drilling rigs. (A separate test is required for each type of water well drilling rig to be listed on the license).

3.2.7 Demonstrate proficiency in resolving problem situations that might be encountered during the construction of a water well by passing an oral examination administered by the state engineer.

3.3 Drill Rig Operator's Registration.

An applicant must meet the following requirements to become registered as a drill rig operator:

3.3.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the operator application).

3.3.2 Complete and submit the application form provided by the state engineer.

<u>3.3.3 Pay the application fee approved by the state legislature.</u>

3.3.4 Provide documentation of at least six (6) months of prior water well drilling experience with a licensed driller in good standing. The documentation must show the applicant's experience with each type of drilling rig to be listed on the registration. Acceptable documentation will include letters from licensed well drillers or registration as an operator in another state.

3.4 Pump Installer's License.

A Utah Pump Installer's License allows an individual to perform regulated pump activity including pump removal, installation, and repair in water wells and other regulated wells. A licensed pump installer can also clean, develop, pump test, and disinfect a regulated well. An individual (does not include entities such as businesses, corporations, governments, water systems, and municipalities) can perform pump installation and repair work on their own well on their own property without obtaining a Pump Installer's License. An applicant must meet the following requirements to become licensed as a Utah Pump Installer:

3.4.1 Applicants must be 21 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application).

<u>3.4.3 Pay the application fee approved by the state legislature.</u>

<u>3.4.4 Provide documentation of experience of at least two</u> (2) years of full time prior water well pump installation and repair experience with a driller or pump installer in good standing

3.4.4. The documentation must show the applicant's experience with each type of pump rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, reference letters from licensed well drillers/pump installers (Utah or other states), or a license granted by another state, etc.

<u>3.4.4.5</u> Successful completion of training/education in pump installation/repair and other related subjects may be substituted for up to, but not exceeding, twenty five percent of the required pump experience. The state engineer will determine the number of months of drilling experience that will be credited for the classroom study.

3.4.5 File a pump installer bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The bond must be filed under the conditions and criteria described in Section 4.3.9.

<u>3.4.6 Obtain a score of at least 70% on each of the written</u> licensing examinations required and administered by the state engineer. The required examinations test the applicant's knowledge of:

a. The Administrative Rules for Water Wells and Utah water law as it pertains to underground water;

b. The minimum construction standards established by the state engineer pertaining to pump installation and repair;

 — Groundwater protection procedures and standards applicable to pump installation and repair work on wells;

d. The proper operating procedures and methods associated with pump installation and repair.

3.4.7 Demonstrate proficiency in resolving problem situations that might be encountered during pump installation and repair of a water well by passing an oral examination administered by the state engineer.

3.5 Pump Rig Operator's Registration.

An applicant must meet the following requirements to become registered as a pump rig operator:

3.5.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104 UCA (Applicants must file a Division Lawful Presence Affidavit with the license application).

 3.5.2 Complete and submit the application form provided by the state engineer.

<u>3.5.3 Pay the application fee approved by the state legislature.</u>

<u>3.5.4</u> Provide documentation of at least six (6) months of prior pump installation and repair experience with a licensed driller or pump installer in good standing. Acceptable documentation will include letters from licensed well drillers or registration as an operator in another state.

3.5.5 Obtain a score of at least 80% on a written examination of the minimum construction standards established by the state engineer for pump installation and repair. The test will be provided to the licensed pump installer/well driller by the state engineer. The licensed pump installer/well driller will administer the test to the prospective operator and return it to the state engineer for scoring.

- 3.6 Conditional, Restricted, or Limited Licenses.

The state engineer may issue a restricted, conditional, or limited license to an applicant based on prior drilling experience. 3.7 Refusal to Issue a License or Registration.

The state engineer may, upon investigation and after a hearing, refuse to issue a license or a registration to an applicant if it appears the applicant has not had sufficient training or experience to qualify as a competent well driller, pump installer, or operator.

3.8 Falsified Applications.

The state engineer may, upon investigation and after a hearing, revoke a license or a registration in accordance with Section 5.6 if it is determined that the original application contained false or misleading information.

<u>3.9 Well Driller/Pump Installer Bond.</u>

3.9.1 General

3.9.1.1. In order to become licensed and to continue licensure, well drillers and pump installers must file a bond in the form of a surety bond or cash bond, approved by the state engineer, in the sum of five thousand dollars (\$5,000) with the Division of Water Rights, on a form provided by the Division, which is conditioned upon proper compliance with the law and these rules and which is effective for the licensing period in which the license is to be issued. The bond shall stipulate the obligee as the "Office of the State Engineer". The bond is penal in nature and is designed to ensure compliance by the licensed well driller or pump installer to protect the groundwater resource, the environment, and public health and safety. The bond may only be exacted by the state engineer for the purposes of investigating, repairing, or abandoning wells in accordance with applicable rules and standards. No other person or entity may initiate a claim against the bond. Lack of a current and valid bond shall be deemed sufficient grounds for denial or discontinuation of a driller's/pump installer's license. The well driller/pump installer bond may consist of a surety bond or a cash bond as described below.

3.9.2 Surety Bonds.

3.9.2.1. The licensee and a surety company or corporation authorized to do business in the State of Utah as surety shall bind themselves and their successors and assigns jointly and severally to the state engineer for the use and benefit of the public in full penal sum of five thousand dollars (\$5,000). The surety bond shall specifically cover the licensee's compliance with the Administrative Rules for Water Wells found in R655-4 of the Utah Administrative Code. Forfeiture of the surety bond shall be predicated upon a failure to drill, construct, repair, renovate, deepen, clean, develop, test, disinfect, perform pump work, or abandon a regulated well in accordance with these rules (R655-4 UAC). The bond shall be made payable to the 'Utah State Engineer' upon forfeiture. The surety bond must be effective and exactable in the State of Utah.

3.9.2.2. The bond and any subsequent renewal certificate shall specifically identify the licensed individual covered by the bond (company names may be included on the bond, but the licensed driller name must be included). The licensee shall notify the state engineer of any change in the amount or status of the bond. The licensee shall notify the state engineer of any change in the effective date of such cancellation or change at least thirty (30) days prior to the effective date of such cancellation or change. Prior to the expiration of the 30 day notice of cancellation, the licensee shall deliver to the state engineer a replacement surety bond or transfer to a cash bond. If such a bond is not delivered, all activities covered by the licensee and bond shall cease at the expiration of the 30 day period. Termination shall not relieve the licensee or surety of any liability for incidences that occurred during the time the bond was in force.

3.9.2.3. Before the bond is forfeited by the licensee and exacted by the state engineer, the licensee shall have the option of resolving the noncompliance to standard either by personally doing the work or by paying to have another licensed driller do the work. If the licensee chooses not to resolve the problem that resulted in noncompliance, the entire bond amount of five thousand dollars (\$5,000) shall be forfeited by the surety and expended by the state engineer to investigate, repair or abandon the well(s) in accordance with the standards in R655-4 UAC. Any excess there from shall be retained by the state engineer and expended for the purpose of investigating, repairing, or abandoning wells in accordance with applicable rules and standards. All claims initiated by the state engineer against the surety bond will be made in writing.

<u>3.9.2.4.</u> The bond of a surety company that has failed, refused or unduly delayed to pay, in full, on a forfeited bond is not approvable.

3.9.3 Cash Bonds.

3.9.3.1. The requirements for the well driller/pump installer bond may alternatively be satisfied by a cash bond in the form of a certificate of deposit (CD) for the amount of five thousand dollars (\$5,000) issued by a federally insured bank or credit union with an office(s) in the State of Utah. The cash bond must be in the form of a CD. Cash, savings accounts, checking accounts, letters of credit, etc., are not acceptable cash bonds. The CD shall specifically identify the licensed individual covered by that fund. The CD shall be automatically renewable and fully assignable to the state engineer. CD shall state on its face that it is automatically renewable.

3.9.3.2. The cash bond shall specifically cover the licensee's compliance with well drilling rules found in R655-4 of the Utah Administrative Code. The CD shall be made payable or assigned to the state engineer and placed in the possession of the state engineer. If assigned, the state engineer shall require the bank or eredit union issuing the CD to waive all rights of setoff or liens against those CD. The CD, if a negotiable instrument, shall be placed in the state engineer's possession. If the CD is not a negotiable instrument, the CD and a withdrawal receipt, endorsed by the licensee, shall be placed in the state engineer's possession.

3.9.3.3. The licensee shall submit CDs in such a manner which will allow the state engineer to liquidate the CD prior to maturity, upon forfeiture, for the full amount without penalty to the state engineer. Any interest accruing on a CD shall be for the benefit of the licensee.

3.9.3.4. The period of liability for a cash bond is five (years) after the expiration, suspension, or revocation of the license. The cash bond will be held by the state engineer until the five year period is over, then it will be relinquished to the licensed driller. In

the event that a cash bond is replaced by a surety bond, the period of liability, during which time the cash bond will be held by the state engineer, shall be five (5) years from the date the new surety bond becomes effective.

3.9.1 Exacting a Well Driller/Pump Installer Bond.

3.9.4.1. If the state engineer determines, following an investigation and a hearing in accordance with the process defined in Sections 4-5, 4-6, and 4-7, that the licensee has failed to comply with the Administrative Rules for Water Wells and refused to remedy the noncompliance, the state engineer may suspend or revoke a license and fully exact the well driller bond and deposit the money as a non-lapsing dedicated credit.

3.9.4.2. The state engineer may expend the funds derived from the bond to investigate or correct any deficiencies which could adversely affect the public interest resulting from non-compliance with the Administrative Rules by any well driller/pump installer.

3.9.4.3. The state engineer shall send written notification by certified mail, return receipt requested, to the licensee and the surety on the bond, if applicable, informing them of the determination to exact the well driller bond. The state engineer's decision regarding the noncompliance will be attached to the notification which will provide facts and justification for bond exaction. In the case of a surety bond exaction, the surety company will then forfeit the total bond amount to the state engineer. In the case of a cash bond, the state engineer will cash out the CD. The exacted well driller bond funds may then be used by the state engineer to cover the costs of well investigation, repair, and/or abandonment.

R655-4-4. Administrative Requirements and General Procedures.

4.1 Authorization to Drill or Conduct Regulated Activity.

The well driller shall make certain that a valid authorization or approval to drill exists before engaging in regulated well drilling activity. Authorization to drill shall consist of a valid 'start card' based on any of the approvals listed below. Items 4.1.1 through 4.1.12 allow the applicant to contract with a well driller to drill, construct, deepen, replace, repair, renovate, or abandon exactly one well at each location listed on the start card or approval form. The drilling of multiple borings/wells at an approved location/point of diversion is not allowed without authorization from the state engineer's office. Most start cards list the date when the authorization to drill expires. If the expiration date has passed, the start card and authorization to engage in regulated drilling activity is no longer valid. If there is no expiration date on the start card, the driller must contact the state engineer's office to determine if the authorization to drill is still valid. When the work is completed, the permission to drill is terminated. Preauthorization or pre-approval of pump installation/repair work, well cleaning, development, testing, and disinfection is not required. A well renovation permit is required if an existing well is to be modified by activities such as deepening, casing/seal/gravel pack repair/renovation, liner installation, pitless adapter/unit installation, and perforating/screen installation. A well renovation permit is not required if the well is not modified by activities such as cleaning, development, testing, disinfection, and pump work.

4.1.1 An approved application to appropriate.

 4.1.2 A provisional well approval letter (also known as a Rush Letter Approval).

An approved provisional well letter grants authority to drill but allows only enough water to be diverted to determine the characteristics of an aquifer or the existence of a useable groundwater source. — 4.1.3 An approved permanent change application.
 4.1.4 An approved exchange application.

4.1.5 An approved temporary change application.

4.1.6 An approved application to renovate or deepen an existing well.

4.1.7 An approved application to replace an existing well.
 4.1.8 An approved monitor well letter.

An approved monitor well letter grants authority to drill but allows only enough water to be diverted to monitor groundwater.

4.1.9 An approved heat exchange well letter.

4.1.10 An approved cathodic protection well letter.

4.1.11 An approved non-production well construction application.

4.1.12 Any letter or document from the state engineer directing or authorizing a well to be drilled or work to be done on a well.

4.2 Start Cards.

4.2.1 Prior to commencing work to drill, construct, deepen, replace, repair, renovate, clean, or develop any well governed by these administrative rules, the driller must notify the state engineer of that intention by transmitting the information on the "Start Card" to the state engineer by telephone (leaving a voice mail is acceptable notification), by facsimile (FAX), by hand delivery, or by e-mail (with completed Start Card scanned and attached to e-mail). Thereafter, a completed original Start Card must be sent to the state engineer by the driller after it has been telephoned in (including voice mail). A completed original Start Card does not need to be sent to the state engineer by the driller after it has been faxed or E-mailed. A eopy of the Start Card should be kept at the drill site at all times regulated activity is being conducted.

4.2.2 A specific Start Card is printed for each well drilling approval and is furnished by the state engineer to the applicant or the well owner. The start card is preprinted with the water right or nonproduction well number, owner name/address, and the approved location of the well. The state engineer marks the approved well drilling activity on the card. If a Start Card is stamped with 'Special Conditions', the licensee shall contact the state engineer's office to determine what the special drilling conditions or limitations are; then implement them in the drilling and construction of the well. The driller must put the following information on the card:

a. The date on which work on the well will commence;
 b. The projected completion date of the work;

c. The well driller's license number;

d. The licensed well driller's signature.

4.2.3 When a single authorization is given to drill wells at more than one point of diversion, a start card shall be submitted for each location to be drilled.

4.2.4 Following the submittal of a start card, if the actual start date of the drilling activity is postponed beyond the date identified on the start card, the licensed driller must notify the state engineer of the new start date.

4.2.5 A start card is not required to abandon a well. However, prior to commencing well abandonment work, the driller is required to notify the state engineer by telephone, by facsimile, or by e mail of the proposed abandonment work. The notice must include the location of the well. The notice should also include the water right or non-production well number associated with the well and the well owner if that information is available.

4.2.6 A start card or pre notification is not required to perform pump installation and repair work on a well.

4.3 General Requirements During Construction.

4.3.1 The well driller or pump installer shall have the required penal bond continually in effect during the term of the license; otherwise the license will become inactive.

4.3.2 The well driller's/pump installer's license number or company name exactly as shown on the license must be prominently displayed on each well drilling/pump rig operated under the license. If the company name is changed the licensee must immediately inform the state engineer of the change in writing.

4.3.3 A licensed well driller or a registered drill rig operator must be at the well site whenever the following aspects of well construction are in process: advancing the borehole, setting casing and sereen, placing a filter pack, constructing a surface seal, or similar activities involved in well deepening, renovation, repair, eleaning, developing, testing, disinfecting, capping, pitless installation, or abandoning. All registered drill rig operators working under a well driller's license must be employees of the well driller and must use equipment either owned by or leased by the licensed well driller.

4.3.3.1 A licensed pump installer or a registered pump rig operator must be at the well site whenever the following aspects of pump work are in process: pump removal, pump installation, modification to the well head including capping, sealing, and pitless adapter/unit installation, or similar activities on and within the well involving pump installation/repair. Inasmuch as a licensed pump installer is allowed to clean, develop, test, and disinfect a regulated well, these activities must be performed in the presence of a licensed pump installer or registered pump rig operator. All registered pump rig operators working under a pump installer's license must be employees of the pump installer and must use equipment either owned by or leased by the licensed pump installer.

4.3.3.2 A registered drill rig operator who is left in responsible charge of advancing the borehole, setting casing and screen, placing a filter pack, constructing a surface seal, or similar activities involved in well deepening, renovation, repair, cleaning, developing, testing, disinfecting, capping, pitless installation, or abandoning must have a working knowledge of the minimum construction standards and the proper operation of the drilling rig. The licensed well driller is responsible to ensure that a registered operator is adequately trained to meet these requirements.

4.3.3.3 A registered pump rig operator who is left in responsible charge of pump installation or repair must have a working knowledge of the minimum construction standards and the proper operation of the pump rig. The licensed well driller or pump installer is responsible to ensure that a registered operator is adequately trained to meet these requirements.

 4.3.4 State engineer provisions for issuing cease and desist orders (Red Tags)

4.3.4.1 Construction Standards: The state engineer or staff of the Division of Water Rights may order that regulated work on a well cease if a field inspection reveals that the construction does not meet the minimum construction standards to the extent that the public interest might be adversely affected.

4.3.4.2 Licensed Drilling Method: A cease work order may also be issued if the well driller is not licensed for the drilling method being used for the well construction.

4.3.4.3 Incompetent Registered Operator: If, during a field inspection by the staff of the Division of Water Rights, it is determined that a registered operator in responsible charge does not meet these requirements, a state engineer's red tag (see Section 4.3.4) shall be placed on the drilling rig or pump rig and the drilling/pump operation shall be ordered to shut down. The order to cease work shall remain effective until a qualified person is available to perform the work.

4.3.4.4 No licensee or registered operator on site: If, during a field inspection by the staff of the Division of Water Rights, it is determined that neither a licensee or registered operator are one site when regulated well activity is occurring, the state engineer may order regulated well work to cease.

4.3.4.5 General: The state engineer's order shall be in the form of a red tag which shall be attached to the drilling/pump rig. A letter from the state engineer shall be sent to the licensee to explain the sections of the administrative rules which were violated. The letter shall also explain the requirements that must be met before the order can be lifted.

4.3.4.6 A licensee may appeal a Cease and Desist order by:
 4.3.4.6.1 submitting to the Division a written statement clearly and concisely stating the specific disputed facts, the supporting facts, and the relief sought; or

 4.3.4.6.2 requesting a hearing on the issue according to the provisions of R655-4-7.

4.3.4.7 A Cease and Desist Order shall remain in force during the pendency of the appeal.

4.3.5 When required by the state engineer, the well driller or registered operator shall take lithologic samples at the specified intervals and submit them in the bags provided by the state engineer. 4.3.6 A copy of the current Administrative Rules for Water Wells should be available at each well construction site for review by the construction personnel. Licensed well drillers/pump installers and registered operators must have proof of licensure or registration with them on site during regulated well activity.

4.3.7 Prior to starting construction of a new well, the licensed driller shall investigate and become familiar with the drilling conditions, geology of potential aquifers and overlying materials, anticipated water quality problems, and know contaminated water bearing zones that may be encountered in the area of the proposed drilling activity.

4.4 Removing Drill Rig From Well Site.

4.4.1 A well driller shall not remove his drill rig from a well site unless the well drilling activity is properly completed or abandoned in accordance with the construction standards in Sections 9 thru 12.

4.4.2 For the purposes of these rules, the regulated work on a well will be considered completed when the well driller removes his drilling rig from the well site. The regulated pump work on a well will be considered completed when the pump installer removes his pump rig from the well site.

4.4.3 The well driller may request a variance from the state engineer to remove a drill rig from a well prior to completion or abandonment. This request must be in written form to the state engineer. The written request must provide justification for leaving the well incomplete or un abandoned and indicate how the well will be temporarily abandoned as provided in Section R655 4-14 and must give the date when the well driller plans to continue work to either complete the well or permanently abandon it.

4.5 Official Well Driller's Report (Well Log).

4.5.1 Within 30 days of the completion of regulated work on any well, the driller shall file an official well driller's report (well log) with the state engineer. The blank well log form will be mailed to the licensed well driller upon receipt of the information on the Start Card as described in Subsection 4.2.

4.5.2 The water right number or non-production well number, owner name/address, and the approved location of the well will be preprinted on the blank well log provided to the well driller.

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The driller is required to verify this information and make any necessary changes on the well log prior to submittal. The state engineer will mark the approved activity (e.g., new, replace, repair, deepen) on the well log. The driller must provide the following information on the well log:

a. The start and completion date of work on the well;

 b. The nature of use for the well (e.g., domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, heat pump, etc.;

c. The borehole diameter, depth interval, drilling method and drilling fluids utilized to drill the well;

d. The lithologic log of the well based on strata samples taken from the borehole as drilling progresses;

e. Static water level information to include date of measurement, static level, measurement method, reference point, artesian flow and pressure, and water temperature;

 f. The size, type, description, joint type, and depth intervals of casing, screen, and perforations;

g. A description of the filter pack, surface and interval seal material, and packers used in the well along with necessary related information such as the depth interval, quantity, and mix ratio;

h. A description of the finished wellhead configuration;

i. The date and method of well development;

 j. The date, method, yield, drawdown, and elapsed time of a well yield test;

k. A description of pumping equipment (if available);

Other comments pertinent to the well activity completed;
 m. The well driller's statement to include the driller name,
license number, signature, and date.

4.5.3 Accuracy and completeness of the submitted well log are required. Of particular importance is the lithologic section which should accurately reflect the geologic strata penetrated during the drilling process. Sample identification must be logged in the field as the borehole advances and the information transferred to the well log form for submission to the state engineer.

4.5.4 An amended well log shall be submitted by the licensed driller if it becomes known that the original report contained inaccurate or incorrect information, or if the original report requires supplemental data or information. Any amended well log must be accompanied by a written statement, signed and dated by the licensed well driller, attesting to the circumstances and the reasons for submitting the amended well log.

4.6 Official Well Abandonment Reports (Abandonment Logs).

4.6.1 Whenever a well driller is contracted to replace an existing well under state engineer's approval, it shall be the responsibility of the well driller to inform the well owner that it is required by law to permanently abandon the old well in accordance with the provisions of Section R655 4-14.

4.6.2 Within 30 days of the completion of abandonment work on any well, the driller shall file an abandonment log with the state engineer. The blank abandonment log will be mailed to the licensed well driller upon notice to the state engineer of commencement of abandonment work as described in Subsection R655-4-4(4.2.5).

4.6.3 The water right number or non production well number, owner name/address, and the well location (if available) will be preprinted on the blank abandonment log provided to the well driller. The driller is required to verify this information and make any necessary changes on the abandonment log prior to submitting the log. The driller must provide the following information on the abandonment log:

a. Existing well construction information;

b. Date of abandonment;

c. Reason for abandonment;

d. A description of the abandonment method;

e. A description of the abandonment materials including depth intervals, material type, quantity, and mix ratio;

f. Replacement well information (if applicable);

g. The well driller's statement to include the driller name, license number, signature, and date.

4.6.4 When a well is replaced and the well owner will not allow the driller to abandon the existing well, the driller must briefly explain the situation on the abandonment form and submit the form to the state engineer within 30 days of completion of the replacement well.

4.7 Official Pump Installation Report (Pump Log).

4.7.1 Soon after the completion of regulated pump work on any well, the licensee shall file an official pump installation report (pump log) with the state engineer. If well disinfection is the only activity on a well, a pump log need not be filed with the state engineer. Blank pump log forms will be available to the licensee at any Division office, requested by mail, or downloaded from the Division's website (www.waterrights.utah.gov).

4.7.2 Pertinent information to be included on the pump log by the licensee shall consist of:

a. The water right number or non-production well number;
 b. the well owner name and address;

c. The approved point of diversion or location of the well;
 d. The start and completion date of work on the well;

e. The nature of use for the well (e.g., domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, eathodic protection, heat pump, etc.;

f. Pertinent well details including casing diameters/depths, total well depth, well intake depth intervals, wellhead configuration including pitless adapter/unit configuration if applicable;

g. A detailed description of pump related work performed on or in the well including pump setting depth, pump type, pumping rate, valving, drop piping, jointing, capping, testing, sealing, disinfection, and pitless adapter/unit installation;

h. Static water level information to include date of measurement, static level, measurement method, reference point, artesian flow and pressure, and water temperature;

 i. A description of the finished wellhead configuration;
 j. The date, method, yield, drawdown, and elapsed time of a well yield test;

<u>k.</u> Other comments pertinent to the well activity completed;

m. The pump installer's statement to include the licensee name, license number, signature, and date.

4.8 Incomplete or Incorrectly Completed Reports.

An incomplete log or a log that has not been completed correctly will be returned to the licensee to be completed or corrected. The log will not be considered filed with the state engineer until it is complete and correct.

4.8 Extensions of Time.

The well driller may request an extension of time for filing the well log if there are circumstances which prevent the driller from obtaining the necessary information before the expiration of the 30 days. The extension request must be submitted in writing before the end of the 30-day period.

4.9 Late Well Logs - Lapsed License

All outstanding well logs or abandonment logs shall be properly submitted to the state engineer prior to the lapsing of a

license. A person with a lapsed license who has failed to submit all well/abandonment logs within 90 days of lapsing will be subject to the state engineer's enforcement powers under Section 73-2-25 of the Utah Code (Related rules: Section R655-14 UAC)

R655-4-5. Administrative Rule Infractions.

5.1 List of Infractions and Points.

Licensed well drillers who commit the infractions listed below in Table 1 shall have assessed against their well drilling record the number of points assigned to the infraction.

TABLE 1

Level I Infractions of Administrative Requirements

	Points
Well log submitted late	10
Failure to submit a Pump Log	10
Well abandonment report submitted	
late	10
License number or company	
<pre>name not clearly posted on well</pre>	
drilling/pump rig	10
Failing to notify the state engineer	
- of a change in the well	
licensee's company name	10
Failure to properly notify the	
- proposed start date shown	
on the start card	20
Failure to properly notify the	
- abandonment of a regulated well	
Failure to notify the state engineer	
of a change of start date	50
Constructing a replacement well	
- further than 150 ft from the	
-original well without the	
-authorization of an approved	
- change application	50
Failure to drill at the state engineer	
— approved location as identified	
on the start card	50
Removing the well drilling rig from	
- the well site before completing the	
- well or temporarily or permanently	
	50

TABLE 2

Level II Infractions of Administrative Requirements

	Points
Employing an operator who is not	
- registered with the state	75
Contracting out work to an	
-unlicensed driller (using the	
-unlicensed driller's rig) without	
- prior written approval from the state	75
Performing any well drilling activity without	
- emergency situations)	100
Intentionally making a material	
- misstatement of fact in an official	
well driller's report/pump log or amended	
- official well driller's report	
- (well log)	100

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Points

TABLE 3

Level III Infractions of Construction Standards / Conditions

	Poin
Approvals	
Using a method of drilling not listed	
- on the well driller's license	30
Failing to comply with any conditions	
- included on the well approval such as	
- minimum or maximum depths, specified	
-locations of perforations, etc.	50
Performing any well construction	
- activity in violation of a red tag	
- cease work order	100
Casing	
Failure to extend well casing at least	
- 18" above ground	30
Failure to install casing	
- in accordance with these rules	50
Failure to install a protective casing	
- around a PVC well at the surface	50
Using improper casing joints	100
Using or attempting to use sub-standard	
-well casing	100
3	
Surface Seals	
Using improper products or procedures	
to install a surface seal	100
Failure to seal off artesian flow on	
the outside of casing	100
Failure to install surface seal to	
- adequate depth based on formation type	100
Failure to install interval seals to	
-eliminate aquifer commingling	
- or cross contamination	100
Well Abandonment	
Using improper procedures to abandon	
- a well	100
Using improper products to abandon a	
-well	100
Construction Fluids	
Using water of unacceptable quality	
- in the well drilling operation	40
Using an unacceptable mud pit	40
Failure to use treated or disinfected	
- water for drilling processes	40
Using improper circulation materials	
- or drilling chemicals	100
, , , , , , , , , , , , , , , , , , ,	
Filter/Gravel Packs and Formation Stabilizers	
Failure to disinfect filter pack	40
Failure to install filter pack properly	75
Failure to install formation stabilizer	
- according to standard	75
Well Completion	
Failure to make well accessible to	
- water level or pressure head measurements	30
Failure to install casing annular seals,	
-cap, and valving, and to control	
	30
Failure to disinfect a well upon	
- completion of well drilling activity	40
Failure to install sanitary well capping	
- according to standard	75
Failure to install a pitless adapter/unit	
- according to standard	75
Failure to develop and test a well	
- according to standard	75
,	

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Failure to hydrofracture a well	
- according to standard	75
Failure to install packers/plugs	
- according to standard	75
Failure to install well intakes(screens,	
- perforations, open bottom) according to standard	75
Failure to install non-production wells	
according to standard	100
Pump Installation and Repair	
Failure to extend well casing at least	
18" above ground	30
Failure to make well accessible to	
water level or pressure head measurements	-30
Failure to install casing annular seals,	
— cap, and valving, and to control	
- artesian flow	30
Failure to disinfect a well upon	
- completion of pump activity	40
Failure to install a protective casing	
- around a PVC well at the surface	50
Failure to maintain surface	
- completion and security standards	75
Failure to install or maintain Backflow	
protection	75
Failure to develop and test a well	
-according to standard	75
Failure to install sanitary well capping	
- according to standard	75
Failure to install a pitless adapter/unit	
- according to standard	75
Failure to prevent contamination from entering a wel	+
through placement, products, tools, and materials	
Failure to repair a well's surface seal	
i and of opan a non o builded bear	100
General	
Enclure to commoly cover on	

Failure to securely cover an	
—unattended well during construction	-30
Failure to engage in well drilling	
<pre>—activity in accordance with accepted</pre>	
- industry practices	100

TABLE 4

Level IV Infractions of Application Requirements

POINTS

Submitting an initial license or registration application that contains false or misleading information 100

5.2 When Points Are Assessed.

Points will be assessed against a driller's record upon verification by the state engineer that an infraction has occurred. Points will be assessed at the time the state engineer becomes aware of the infraction regardless of when the infraction occurred.

5.3 Infraction Notice

When infraction points are assessed against a well driller's record, the State Engineer shall issue an infraction notice to the well driller. The notice shall include an explanation of the administrative rule(s) violated, the date the alleged violations were discovered and the approximate date of occurrence, the number of points assessed for each infraction, the total number of points on the well drillers record, an explanation of the adjudicative process to appeal a cease and desist order and or infraction notice, and an explanation of how to delete points from the driller record, an any other information deemed pertinent by the state engineer.

— 5.4 Appeal of Infractions.

5.4.1 If the infraction points do not require a hearing, a well driller may appeal an infraction within 30 days of the date the Infraction Notice was issued. The appeal shall be made in writing to

the state engineer and shall state clearly and concisely the disputed facts, the supporting facts, and the relief sought.

5.4.2 A well driller may request reconsideration of a denied appeal by requesting a hearing before the Presiding Officer within 20 days of the denial. If the Presiding Officer does not respond within 20 days after the request is submitted, then it is deemed denied.
 5.5 Deleting Points from the Driller Record.

Points assessed against a well driller's record shall remain

on the record unless deleted through any of the following options: 5.5.1 Points shall be deleted three years after the date when

the infraction is noted by the state engineer and the points are assessed against the driller's record.

<u>5.5.2</u> One half the points on the record shall be deleted if the well driller is free of infractions for an entire year.

5.5.3 Thirty (30) points shall be deleted for obtaining six (6) hours of approved continuing education credits in addition to the eredits required to renew the water well driller's license. A driller may exercise this option only once each year.

5.5.4 Twenty (20) points shall be deleted for taking and passing (with a minimum score of 70%) the test covering the administrative requirements and the minimum construction standards. A driller may exercise this option only every other year. 5.6 Well Driller Hearings.

When the number of infraction points assessed against the well driller's record equals or exceeds 100, the state engineer shall submit a request to the Presiding Officer for a hearing. The requested purpose of the hearing shall be to determine if administrative penalties should be levied against the water well driller including fines and probation, suspension, or revocation of the water well driller may request a preliminary conference to resolve and agree upon the dispute, fines, and penalties. If resolution cannot be reached at the preliminary conference, a hearing shall be held.

5.7 Lack of Knowledge Not an Excuse.

Lack of knowledge of the law or the administrative requirements and minimum construction standards related to well drilling shall not constitute an excuse for violation thereof.

R655-4-6. Administrative Penalties.

Administrative penalties ordered against a licensed driller by the Presiding Officer following a hearing can include probation, administrative fines, license suspension, and license revocation. Administrative penalties are ordered based on the severity of the infraction (Level I, II, III from Tables 1-3 of Section 5.1) as well as the recurrence of an infraction. The maximum administrative fine per infraction shall be capped at \$1000.

6.1 Level I Administrative Penalties: Level I administrative penalties shall be levied against Level I administrative infractions (see Table 1 of Section 5.1). The Level I administrative penalty structure is as follows:

6.1.1 At the first conviction of Level I infractions, the disciplinary action for the infractions shall be probation.

 6.1.2 Second conviction shall result in probation and a fine at a rate of \$2.50 per infraction point.

<u>6.1.3</u> Third conviction shall result in probation and an elevated fine at a rate of \$5.00 per infraction point.

6.1.4 Fourth conviction shall result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension.

6.1.5 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.

6.1.6 Fines for late well logs and abandonment logs shall be calculated separately and added to fines calculated for other infractions. For late well log infractions, the points associated with each infraction shall be multiplied by a factor based on the lateness of the well log. The infraction point multipliers are as follows in Table 5:

TABLE 5

Tardiness of the log	Infraction Point Multiplie
1-2 weeks	0.50
2-4 weeks	1.00
1-3 months	1.50
3-6 months	2.00
6-9 months	2.50
9-12 months	3.00
Over 12 months	4.00

6.2 Level II Administrative Penalties: Level II administrative penalties shall be levied against Level II administrative infractions (see Table 2 of Section 5.1). The Level II administrative penalty structure is as follows:

6.2.1 At the first conviction of Level II infractions, the disciplinary action shall result in probation and a fine at a rate of \$2.50 per infraction point.

6.2.2 Second conviction shall result in probation and an elevated fine at a rate of \$5.00 per infraction point.

6.2.3 Third conviction shall result in possible suspension and an elevated fine at a rate of \$10.00 per infraction point.

6.2.4 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.

6.3 Level III Administrative Penalties: Level III administrative penalties shall be levied against Level III construction infractions (see Table 3 of Section 5.1). The Level III administrative penalty structure is as follows:

6.3.1 At the first conviction of Level III infractions, the disciplinary action shall result in probation and a fine at a rate of \$5.00 per infraction point.

6.3.3 Third conviction may result in an elevated fine at a rate of \$10.00 per infraction point and possible suspension or revocation.

6.3.4 Level IV Administrative Penalties: The Level IV administrative penalty shall be levied against a Level IV application requirement infraction (see Table 4 of Section 5.1). The Level IV administrative penalty is revocation of the license at first conviction. 6.4 Administrative Penalties - General

<u>6.4.1 Penalties shall only be imposed as a result of a well driller hearing.</u>

6.4.2 Failure to pay a fine within 30 days from the date it is assessed shall result in the suspension of the well driller license until the fine is paid.

6.4.3 Fines shall be deposited as a dedicated credit. The state engineer shall expend the money retained from fines for expenses related to well drilling activity inspection, well drilling enforcement, and well driller education.

6.5 Probation: As described above in Sections 6.1, 6.2, and 6.3, probation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe first time infractions of the administrative rules that are limited in number and less serious in their impact on the well owner and on the health of the aquifer. The probation period shall generally last until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection 4-5.5.

6.6 Suspension: Suspension shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of the administrative rules, or infractions that a pose serious threat to the health of the aquifer, or a well driller's apparent disregard for the administrative rules or the state's efforts to regulate water well drilling. Depending upon the number and severity of the rule infractions as described above in Sections 6.1, 6.2, and 6.3, the state engineer may elect to suspend a well driller license for a certain period of time and/or until certain conditions have been met by the well driller. In establishing the length of the suspension, the state engineer shall generally follow the guideline that three infraction points is the equivalent of one day of suspension. A well driller whose license has been suspended shall be prohibited from engaging in regulated well drilling activity. License suspension may also result in the exaction of the Well Driller Bond as set forth in Subsection 4-3.9.4. A well driller whose license has been suspended is allowed to work as a registered operator under the direct, continuous supervision of a licensed well driller. If the suspension period extends beyond the expiration date of the water well driller license, the water well driller may not apply to renew the license until the suspension period has run and any conditions have been met. Once the suspension period has run and once all conditions have been met by the well driller, the suspension shall be lifted and the driller shall be notified that he/she may again engage in the well drilling business. The well driller shall then be placed on probation until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection 4-5.5.

6.7 Revocation: Revocation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of the administrative rules for which the well driller's Utah Water Well License has previously been suspended. Revocation shall also be the disciplinary action taken if after a hearing the facts establish that a driller knowingly provided false or misleading information on a driller license application. A well driller whose license has been revoked shall be prohibited from engaging in regulated well drilling activity. License revocation may also result in the exaction of the Well Driller Bond as set forth in Subsection 4-3.9.4. A well driller whose license has been revoked is allowed to work as a registered operator under the direct, continuous supervision of a licensed well driller. A well driller whose water well license has been revoked may not make application for a new water well license for a period of two years from the date of revocation. After the revocation period has run, a well driller may make application for a new license as provided in Section R655-4-3. However, the well drilling experience required must be based on new experience obtained since the license was revoked.

R655-4-7. Adjudicative Proceedings.

7.1 Designation of Presiding Officers.

The following persons may be designated Presiding Officers in well driller adjudicative proceedings: Assistant State Engineers; Deputy State Engineers; or other qualified persons designated by the State Engineer.

7.2 Disqualification of Presiding Officers.

7.2.1 A Presiding Officer shall disqualify himself from performing the functions of the Presiding Officer regarding any matter in which he, his spouse, or a person within the third degree of relationship to either of them or the spouse of such person:

 7.2.1.1 Is a party to the proceeding, or an officer, director, or trustee of a party;

7.2.1.3 Knows that he has a financial interest, either individually or as a fiduciary, in the subject matter in controversy or in a party to the proceeding;

7.2.1.5 Is likely to be a material witness in the proceeding.
 7.2.2 A Presiding Officer is also subject to disqualification under principles of due process and administrative law.

7.2.3 These requirements are in addition to any requirements under the Utah Public Officers' and Employees' Ethics Act, Section 67-16-1 et seq.

7.2.4 A motion for disqualification shall be made first to the Presiding Officer. If the Presiding Officer is appointed, any determination of the Presiding Officer upon a motion for disqualification may be appealed to the State Engineer.

7.3 Informal Proceedings

7.3.1 All adjudicative proceedings initiated under this rule are classified as informal adjudicative proceedings.

7.3.1 The procedures for informal adjudicative proceedings initiated under this rule are set forth in this rule.

-7.4 Service of Notice and Orders.

7.4.1 Hearing Notices and Final Judgment and Orders shall be served upon the well driller at the well driller's address using certified mail or methods described in Rule 5 of the Utah Rules of Civil Procedure.

7.4.2 Infraction notices, notices of approval or denial of licensing or registration or license or registration renewal, and other routine correspondence related to the Division's Well Drilling Program shall be sent to the well driller at the well driller's address by regular U.S. Mail.

7.5 Computation of Time.

7.5.1 Computation of any time period referred to in these rules shall begin with the first day following the act that initiates the running of the time period. The last day of the time period computed is included unless it is a Saturday, Sunday, or legal holiday or any other day on which the Division is closed, in which event the period shall run until the end of the business hours of the following business day.

 7.5.2 The Presiding Officer, for good cause shown, may extend any time limit contained in these rules, unless precluded by statute. All requests for extensions of time shall be made by motion. 7.6 Request for Hearing

 7.6.1 A hearing before a Presiding Officer is permitted in a well drilling adjudicative proceeding if:

7.6.1.1 The proceeding was commenced by an Infraction Notice; or

7.6.1.2 The proceeding was commenced by a well driller request raising a genuine issue regarding

 7.6.1.2.2 The issuance of a cease and desist order (red tag)
 7.6.2 Regardless of any other provision of the general laws to the contrary, all requests for a hearing shall be in writing and shall be filed with the Division to the attention of the Presiding Officer. 7.6.3 The request for a hearing shall state clearly and concisely the disputed facts, the supporting facts, the relief sought, and any additional information required by applicable statutes and rules.

7.6.4 The Presiding Officer shall, give all parties at least ten (10) days notice of the date, time and place for the hearing. The Presiding Officer may grant requests for continuances for good cause shown.

7.6.5 Any party may, by motion, request that a hearing be held at some place other than that designated by the Presiding Officer, due to disability or infirmity of any party or witness, or where justice and equity would be best served.

7.6.6 A well driller at any time may withdraw the well driller's request for a hearing. The withdrawal shall be filed with the Division to the attention of the Presiding Officer, in writing, signed by the well driller or an authorized representative, and is deemed final upon the date filed.

7.7 Filings Generally.

7.7.1 Papers filed with the Division shall state the title of the proceeding and the name of the well driller on whose behalf the filing is made.

7.7.2 Papers filed with the Division shall be signed and dated by the well driller on whose behalf the filing is made or by the well driller's authorized representative. The signature constitutes certification that the well driller:

7.7.2.1 Read the document;

7.7.2.2 Knows the content thereof;

7.7.2.3 To the best of the well driller's knowledge, represents that the statements therein are true;

7.7.2.4 Does not interpose the papers for delay; and

7.7.3 All papers, except those submittals and documents that are kept in a larger format during the ordinary course of business, shall be submitted on an 8.5 x 11-inch paper. All papers shall be legibly hand printed or typewritten.

7.7.5 The original of all papers shall be filed with the Division with such number of additional copies as the Division may reasonably require.

7.7.6 Simultaneously with the filing of any and all papers with the Division, the party filing such papers shall send a copy to all other parties, or their authorized representative to the proceedings, by hand delivery, or U.S. Mail, postage prepaid, properly addressed. 7.8 Motions.

7.8.1 A party may submit a request to the Presiding Officer for any order or action not inconsistent with Utah law or these rules. Such a request shall be called a motion. The types of motions made shall be those that are allowed under these Rules and the Utah Rules of Civil Procedure.

7.8.2 Motions may be made in writing at any time before or after the commencement of a hearing, or they may be made orally during a hearing. Each motion shall set forth the grounds for the desired order or action and, if submitted in writing, state whether oral argument is requested. A written supporting memorandum, specifying the legal basis and support of the party's position shall accompany all motions.

7.8.3 The Presiding Officer may, upon the Presiding Officer's own initiative or upon the motion of any party, order any

party to file a response or other pleading, and further permit either party to amend its pleadings in a manner just to all parties.

7.8.4 Preliminary Conference. Parties may request to appear for a preliminary conference prior to a hearing or prior to the scheduled commencement of a hearing or at any time before issuing a Final Judgment and Order. All parties shall prepare and exchange the following information at the initial preliminary conference:

(a) Names and addresses of prospective witnesses
including proposed areas of expertise for expert witnesses;
 (b) A brief summary of proposed testimony;

(c) A time estimate of each witness' direct testimony;

(d) Curricula vitae (resumes) of all prospective expert witnesses.

(e) The scheduling of a preliminary conference shall be solely within the discretion of the Presiding Officer.

(f) The Presiding Officer shall give all parties at least three (3) days notice of the preliminary conference.

(g) The notice shall include the date, time and place of the preliminary conference. The purpose of a preliminary conference is to consider any or all of the following:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which shall avoid unnecessary proof;

(c) The limitation of the number of witnesses or avoidance of similar cumulative evidence, if the case is to be heard;

 (d) The possibility of agreement disposing of all or any of the issues in dispute; or

(e) Such other matters as may aid in the efficient and equitable disposition of the adjudicative enforcement proceeding.

7.8.5 Consent Order: If the respondent substantially agrees with or does not contest the statements of fact in the initial order, or if the parties agree to specific amendments to the statements of fact in the initial order, the parties may enter into a Consent Order after a preliminary conference by stipulating to the facts, fines, and penalties, if any. A Consent Order based on that stipulation, shall be prepared by the state engineer for execution by the parties. The executed Consent Order shall be reviewed by the Presiding Officer and, if found to be acceptable, will be signed and issued by the Presiding Officer. A Consent Order issued by the Presiding Officer is not subject to reconsideration or judicial review.

-7.9 Conduct of Hearings.

7.9.1 All parties, authorized representatives, witnesses and other persons present at the hearing shall conduct themselves in a manner consistent with the standards and decorum commonly observed in Utah courts. Where such decorum is not observed, the Presiding Officer may take appropriate action including adjournment, if necessary.

7.9.2 The Presiding Officer shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters, and have an oath or affirmation administered to all witnesses.

7.10 Rules of Evidence in Hearings.

 7.10.1 Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence.

 hearing, and as may affect the disposition of any interest which permits the person participating to be a party.

<u>7.10.4 A witness' testimony shall be under oath or affirmation.</u>

7.10.5 Any evidence may be presented by affidavit rather than by oral testimony, subject to the right of any party to call and examine or cross-examine the affiant.

7.10.6 Relevant evidence shall be admitted.

 7.10.8 Official notice may be taken of all facts of which judicial notice may be taken in Utah courts.

7.10.9 All parties shall have access to public information contained in the Division's files and to all materials and information gathered in the investigation, to the extent permitted by law.

7.10.10 No evidence shall be admitted after completion of a hearing or after a case is submitted on the record, unless otherwise ordered by the Presiding Officer.

7.10.11 Intervention is prohibited.

7.10.12 A well driller appearing before the Presiding Officer for the purpose of a hearing may be represented by a licensed attorney. The Water Well Drilling Specialist shall present evidence before a Presiding Officer supporting the State Engineer's claim. At the State Engineer's discretion, other Division staff or a representative from the office of the Attorney General may also present supporting evidence.

7.11 Transcript of Hearing.

7.11.1 Testimony and argument at the hearing shall be recorded electronically. The Division shall make copies of electronic recordings available to any party, upon written request. The fee charged for this service shall be equal to the actual costs of providing the copy. The Division is not responsible to supply any party with a transcript of a hearing.

7.11.2 If any party shall cause to be produced a transcript of a hearing, a copy of said transcript shall be filed with the Division and provided to all other parties. By order of the Presiding Officer and with the consent of all parties, such written transcript may be deemed an official transcript.

7.11.3 Corrections to an official transcript may be made only to conform it to the evidence presented at the hearing. Transcript corrections, agreed to by opposing parties, may be incorporated into the record, if and when approved by the Presiding Officer, at any time during the hearing, or after the close of the adjudicative proceeding. The Presiding Officer may call for the submission of proposed corrections and may determine the disposition thereof at appropriate times during the course of the proceeding.

7.12 Procedures and Standards for Orders

7.12.1 If the well driller attends the hearing, the Presiding Officer shall issue a Final Judgment and Order.

7.12.2 The Presiding Officer may issue a Default Order if, after proper notice, the well driller fails to attend a hearing scheduled by the Presiding Officer.

7.12.3 Within a reasonable time after the close of a well driller adjudicative proceeding, the Presiding Officer shall issue a written and signed Final Judgment and Order, including but not limited to:

7.12.3.1 A statement of law and jurisdiction;

7.12.3.2 A statement of facts;

7.12.3.3 An identification of the confirmed infraction(s);

 7.12.3.6 The time limits for requesting reconsideration or filing a petition for judicial review; and

7.12.3.7 Other information the Presiding Officer deems necessary or appropriate.

7.12.6 A well driller who fails to attend a hearing waives any right to request reconsideration of the Final Judgment and Order per Section R655 4 7.13, but may petition for judicial review per Section R655 4 7.16.

7.13 Reconsideration.

7.13.1 Within 14 days after the Presiding Officer issues a Final Judgment and Order, any party may file a written request for reconsideration stating the specific grounds upon which relief is requested.

7.13.2 Unless otherwise provided by statute, the filing of a request for reconsideration is not a prerequisite for seeking judicial review of the order.

7.13.3 The request for reconsideration shall be filed with the Division to the attention of the Presiding Officer and one copy shall be mailed to each party by the party filing the request.

7.13.4 The Presiding Officer may issue a written order granting or denying the request for reconsideration. It is not required that the written order explain the grounds for the Presiding Officer's decision.

7.13.5 If the Presiding Officer does not issue an order granting a request for reconsideration within 14 days after the date it is filed with the Division, the request shall be considered denied.

- 7.14 Amending Administrative Orders.

7.14.1 On the motion of any party or of the Presiding Officer, the Presiding Officer may amend a Final Judgment and Order for reasonable cause shown, including but not limited to a clerical mistake made in the preparation of the order.

7.14.2 A motion by any party to amend an order shall be made in a reasonable time and, if to amend a Final Judgment and Order, not more than three (3) months after the Final Judgment and Order was issued.

7.14.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to amend an order by issuing a notice. The notice shall include a copy of the motion.

7.14.4 Any party opposing a motion to amend an order may submit information within the time period to be established by the Presiding Officer's notice of the motion.

7.14.5 After considering a motion to amend an order and any relevant information received from the parties, the Presiding Officer shall advise the parties of his determination. If the Presiding Officer determines that the order shall be amended, the Presiding Officer shall issue the amended order to all parties.

7.15 Setting Aside a Final Judgment and Order.

7.15.1 On the motion of any party or on a motion by the Presiding Officer, the Presiding Officer may set aside a Final Judgment and Order on any reasonable grounds, including but not limited to the following:

 — 7.15.1.1 The well driller was not properly served with an Infraction Notice;

 7.15.1.2 A rule or policy was not followed when the Final Judgment and Order was issued;

7.15.1.3 Mistake, inadvertence, excusable neglect;

7.15.2 A motion to set aside a final order shall be made in a reasonable time and not more than three (3) months after the Final Judgment and Order was issued.

7.15.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to set aside a final order by issuing a notice to all parties, including therewith a copy of the motion.

7.15.4 After consideration of the motion to set aside an order and any information received from the parties, the Presiding Officer shall issue an order granting or denying the motion, and provide a copy of the order to all parties.

7.16 Judicial Review.

7.16.1 Pursuant to Section 73-3-14, a Final Judgment and Order may be reviewed by trial de novo by the district court:

7.16.1.1 In Salt Lake County; or

7.16.1.2 In the county where the violation occurred.

7.16.2 A well driller shall file a petition for judicial review of a Final Judgment and Order within 20 days from the day on which the order was issued, or if a request for reconsideration has been filed and denied, within 20 days of the date of denial of the request for reconsideration.

7.16.3 The Presiding Officer may grant a stay of an order or other temporary remedy during the pendency of the judicial review on the Presiding Officer's own motion, or upon the motion of a party. The procedures for notice, for consideration of motions, and for issuing a determination shall be as set forth herein for a motion to set aside a Final Judgment and Order.

R655-4-8. License and Operator Registration Renewal.

8.1 Well Driller and Pump Installer Licenses. The Division will mail to each licensed well driller and pump installer a notice (packet) to renew his/her license approximately 30 days before the expiration of the license. Failure to receive the notice does not relieve a licensee of his obligation to file application and pay the fee for renewal in a timely manner. A well driller shall notify the Division of any change in his mailing address within 30 days after the change. 8.1.1 Well driller licenses and Pump Installer licenses shall

expire and be renewed according to the following provisions:

a. The licenses of well drillers and pump installers whose last name begins with A thru L shall expire at 12 midnight on June 30 of odd numbered years.

b. The licenses of well drillers and pump installers whose last name begins with M thru Z shall expire at 12 midnight on June 30 of even numbered years.

c. Drillers and pump installers who meet the renewal requirements set forth in Subsection R655-4-8(8.1.2) on or before the expiration deadlines set forth in Subsection R655-4-8(8.1.1) shall be authorized to operate as a licensed well driller or pump installer until the new license is issued. If a licensee does not complete the renewal requirements by the license expiration date, the license will become inactive, and the licensee must cease and desist all regulated work until the license has been renewed.

d. Licensees must renew their licenses within 24 months of the license expiration date. Licensees failing to renew within 24 months of the license expiration date must re-apply for a license, meet all the application requirements of Subsections R655-4-3(3.2) or R655-4-3(3.4), and provide documentation of 12 hours of continuing education according to the requirements of R655-4-8(8.2) obtained within the previous 24 months.

8.1.2 Applications to renew a license must include the following items:

 a. Payment of the license renewal fee determined and approved by the legislature;

b. Written application to the state engineer;

c. Documentation of continuing well driller bond coverage in the amount of five thousand dollars (\$5,000) penal bond for the next licensing period. The form and conditions of the well driller bond shall be as set forth in Section R655-4.3.9. Allowable documentation can include bond continuation certificates and CD statements;

 d. As applicable to the type of license, proper submission of all start cards, official well driller reports (well logs), pump installer reports (pump logs), and well abandonment reports for the current licensing period;

e. Documentation of compliance with the continuing education requirements described in Section 8.2. Acceptable documentation of attendance at approved courses must include the following information: the name of the course, the date it was conducted, the number of approved credits, the name and signature of the instructor and the licensees name; for example, certificates of completion, transcripts, attendance rosters, diplomas, etc. (Note: licensees are advised that the state engineer will not keep track of the continuing education courses each licensee attends during the year. Licensees are responsible to acquire and then submit documentation with the renewal application.)

8.1.3 License renewal applications that do not meet the requirements of Subsection R655-4-8(8.1.2) by June 30 of the expiration year or which are received after June 30 of the expiration year, will be assessed an additional administrative late fee determined and approved by the legislature.

8.1.4 Restricted, conditioned, limited, or denied renewal applications

8.1.4.1 The state engineer may renew a license on a restricted, conditional, or limited basis if the licensee's performance and compliance with established rules and construction standards indicates the scope of the licensee's permitted activities should be reduced or that the licensee requires strict supervision during a probationary period.

8.1.4.2 The restricted, conditional, or limited license shall state the restrictions, conditions, or limitations placed on the licensee's regulated activity; whether the restrictions, conditions, or limitations are permanent or time limited; and the requirements, if any, which must be met for the license to be re-issued without restrictions, conditions, or limitations.

8.1.4.3 The state engineer may deny an application to renew a license if there has been a violation of these rules or UTAH CODE ANNOTATED Section 73-3-25 that casts doubt on the competency of the licensee or his willingness to comply with the well drilling administrative requirements or construction standards.

8.1.4.4 Within 30 days of a license renewal application being denied or a license being renewed on a restricted, conditioned, or limited basis, a licensee may appeal the action by requesting a hearing according to the provisions of R655-4-7.

8.1.4.5 The restrictions, conditions, or limitations on a license or the denial of a license shall remain effective during the pendency of the well driller/pump installer adjudicative proceeding.

-8.2 Continuing Education.

8.2.1 During each license period, licensed well drillers and pump installers are required to earn at least twelve (12) continuing education credits by attending training sessions approved, sponsored or sanctioned by the state engineer. Drillers and pump installers who do not renew their licenses, but who intend to renew within the following 24 month period allowed in Section 8.1.1, are also required to earn twelve (12) continuing education credits.

8.2.2 The state engineer will develop criteria for the training courses, approve the courses which can offer continuing education credits, and assign the number of credits to each course.

8.2.3 The state engineer shall assign the number of continuing education credits to each proposed training session based on the instructor's qualifications, a written outline of the subjects to be covered, and written objectives for the session. Licensees wishing continuing education credit for other training sessions shall provide the state engineer with all information it needs to assign continuing education requirements.

8.2.4 Licensed drillers must complete a State Engineersponsored "Administrative Rules for Well Drillers and Pump Installers" review course or other approved rules review once every four (4) years.

8.2.5 CE credits cannot be carried over from one licensing period to another.

8.3 Operator's Registration.

8.3.1 Drill Rig and Pump Rig operator registrations shall expire at the same time as the license of the well driller or pump installer by whom they are employed. Operators who meet the renewal requirements set forth in Subsection R655 4 8(8.3.2) on or before 12 midnight June 30 of the expiration year shall be authorized to act as a registered operator until the new registration is issued. Operators must renew their registrations within 24 months of the registration expiration date. Operators failing to renew within 24 months of the registration expiration date must re apply for an operator's registration and meet all the application requirements of Subsections R655 4 3(3.3) and R655 4 3(3.5).

 8.3.2 Applications to renew an operator's registration must include the following items:

 a. Payment of the registration renewal fee determined and approved by the legislature;

b. Written application to the state engineer.

8.3.3 Registration renewal applications that do not meet the requirements of Subsection R655-4-8(8.3.2) by the June 30 expiration date or that are received after the June 30 expiration date will be assessed an additional administrative late fee determined and approved by the legislature.

R655 4 9. The Approval Process for Non-Production Wells.

Regulated non-production wells such as cathodic protection wells, closed loop heating/cooling exchange wells, monitor/piezometer/test wells, and other wells meeting the criteria in R655-4-1(1.2.4) drilled and constructed to a depth greater than 30 feet below natural ground surface require approval from the state engineer. The approval and permitting of regulated production wells is accomplished through the water right processes in accordance with Section 73 of the Utah Code.

9.2 Approval to Drill, Construct, Renovate, or Replace.

Approval to drill, construct, renovate, or replace nonproduction wells is issued by the state engineer's main office and regional offices following review of written requests from the owner/applicant or their appointed representative. The appointed representative shall not include the licensed driller designated on the application. The requests for approval shall be made on forms provided by the state engineer entitled "Request for Non-Production Well Construction". The following information must be included on the form:

a. General location or common description of the project.
 b. Specific course and distance locations from established
government surveyed outside section corners or quarter corners.
 c. Total anticipated number of wells to be installed.

d. Diameters, approximate depths and materials used in the

wells.

e. Projected start and completion dates.

f. Name and license number of the driller contracted to install the wells.

g. A detailed explanation of the purpose and technical aspects of the drilling project. This can also include reviews and approvals (e.g., building permits) done by local jurisdictions of the project. This additional documentation may expedite the Division's processing of the non-production well application.

h. Signature of the well owner or authorized representative attesting to the accuracy and truthfulness of the information on the application. The licensed driller cannot be the signatory on the nonproduction well application.

9.2.1 There is no fee required to request approval to drill, construct, renovate, or replace a non-production well. Using available information and sources, the Division will evaluate the potential for the non-production well to become a contamination source or otherwise negatively impact the groundwater resource prior to approval. This evaluation can take up to 14 days to conduct. The Division shall list application information on its website to allow the public and local jurisdictions to review the project prior to approval. The well permit application shall be returned without review to the applicant if the Division determines that the application is incomplete, contains inaccurate information, lacks sufficient information or is illegible. The Division shall deny the issuance of a well permit if the site where the well is to be drilled is designated by the Division as an area where wells may not be constructed, including but not limited to contaminated or protected aquifers, areas where drilling and construction of wells can impact other water rights, and other areas where environmental remediation may be adversely affected by the construction and/or operation of wells. Upon written approval by the state engineer, the project will be assigned an approved non-production well number which will be referenced on all start cards and official well driller's reports.

R655-4-10. General Requirements.

10.1 Standards.

10.1.1 In some locations, the compliance with the following minimum standards will not result in a well being free from pollution or from being a source of subsurface leakage, waste, or contamination of the groundwater resource. Since it is impractical to attempt to prepare standards for every conceivable situation, the well driller or pump installer shall judge when to construct or otherwise perform work on wells under more stringent standards when such precautions are necessary to protect the groundwater supply and those using the well in question. Other state and local regulations pertaining to well drilling and construction, groundwater protection, isolation distances (setbacks) from potential contamination sources and/or other structures/boundaries, and water quality/testing regulations may exist that are either more stringent than these rules or that specifically apply to a given situation. It is the licensee's

responsibility to understand and apply other federal, state, and local regulations as applicable.

10.2 Well Site Locations.

10.2.1 Well site locations are described by course and distance from outside section corners or quarter corners (based on a Section/Township/Range Cadastral System) and by the Universal Transverse Mercator (UTM) coordinate system (NAD83 Map Datum) on all state engineer authorizations to drill (Start Cards). However, the licensee should also be familiar with local zoning ordinances, or county boards of health requirements which may limit or restrict the actual well location and construction in relationship to property/structure boundaries and existing or proposed concentrated sources of pollution or contamination such as septic tanks, drain fields, sewer lines, stock corrals, feed lots, etc. The licensee should also be familiar with the Utah Underground Facilities Act (Title 54, Chapter 8a of the Utah Code Annotated 1953 as amended) which requires subsurface excavators (including well drilling) to notify operators of underground utilities prior to any subsurface excavation. Information on this requirement can be found by calling Blue Stakes Utility Notification Center at (800)662-4111.

10.2.2 Regulated wells shall be drilled at the approved location as defined on the valid start card. The driller shall check the drilling location to see if it matches the state approved location listed on the Driller's Start Card.

10.3 Unusual Conditions.

10.3.1 If unusual conditions occur at a well site and compliance with these rules and standards will not result in a satisfactory well or protection to the groundwater supply, a licensed water well driller or pump installer shall request that special standards be prescribed for a particular well (variance request). The request for special standards shall be in writing and shall set forth the location of the well, the name of the owner, the unusual conditions existing at the well site, the reasons and justification that compliance with the rules and minimum standards will not result in a satisfactory well, and the proposed standards that the licensee believes will be more adequate for this particular well. If the state engineer finds that the proposed changes are in the best interest of the public, the state engineer will approve the proposed changes by assigning special standards for the particular well under consideration. Division's discretion, the licensee applying for the variance may be required to provide additional technical information justifying the variance. The variance request will be evaluated, and a response will be given within fourteen days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

R655-4-11. Well Drilling and Construction Requirements.

completed in stratified formations in which poor formation material or poor quality water is encountered. Figure 5 illustrates the typical construction of a well completed with PVC or nonmetallic casing.

11.1 Approved Products, Materials, and Procedures. 11.1.1 Any product, material or procedure designed for use in the drilling, construction, cleaning, renovation, development pump installation/repair, or abandonment of water production or nonproduction wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI/NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval.

11.2 Well Casing - General

<u>11.2.1</u> Drillers Responsibility. It shall be the sole responsibility of the well driller to determine the suitability of any type of well casing for the particular well being constructed, in accordance with these minimum requirements.

11.2.2 Casing Stick-up. The well casing shall extend a minimum of 18 inches above finished ground (land) level and the natural ground surface should slope away from the casing. A secure sanitary, weatherproof mechanically secured cap/seal or a completely welded cap shall be placed on the top of the well casing to prevent contamination of the well. If a vent is placed in the cap, it shall be properly screened to prevent access to the well by debris, insects, or other animals.

11.2.3 Steel Casing. All steel casing installed in Utah shall be in new or like new condition, being free from pits or breaks, clean with all potentially dangerous chemicals or coatings removed, and shall meet the minimum specifications listed in Table 6 of these rules. In order to utilize steel well casing that does not fall within the categories specified in Table 6, the driller shall receive written approval from the state engineer. All steel casing installed in Utah shall meet or exceed the minimum ASTM, ANSI, or AWWA standards for steel pipe as described in Subsection 11.1 unless otherwise approved by the state engineer. Applicable standards (most recent revisions) may include:

-ANSI/AWWA A100-AWWA Standard for Water Wells.

ANSI/ASTM A53 Standard Specifications for Pipe, Steel, Black and Hot-Dipped, Zine-Coated, Welded and Seamless.

ANSI/ASTM A139 Standard Specification for Electric-Fusion (Arc) Welded Steel Pipe (NPS 4 and over).

ANSI/AWWA C200 Standard for Steel Water Pipe 6 in.

ASTM A589-89-Standard Specification for Seamless and Welded Carbon Steel Water Well Pipe.

-API Spec.5L and 5LS-Specification for Liner Pipe.

ASTM A106-Standard Specification for Seamless Carbon Steel Pipe for High Temperature Service

ASTM A778 Standard Specifications for Welded, Unannealed Austenitic Stainless Steel Tubular Products.

ASTM A252 Standard Specification for Welded and Seamless Steel Pipe Piles.

ASTM A312-Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes

ASTM A409- Standard Specification for Welded Large Diameter Austenitic Steel Pipe for Corrosive or High Temperature Service

TABLE 6

MINIMUM WALL THICKNESS FOR STEEL WELL CASING

Depth

Depth								
	0	200	300	400	600	800	1000	1500
Nominal	to	to	to	to	to	to	to	to
<u>Casing</u>	200	300	400	600	800	1000	1500	2000
Diameter	(ft)	(f+)	(f+)	(f+)	(f+)	(ft)	(ft)	(ft)
5	. ,	250				.250	250	250
_6	250	250	250	250	250	250	.250	250
_8	250	.250	.250	.250	250	.250	.250	-250
10	.250	.250	.250	.250	.250	.250	.312	.312
12	.250	.250	.250	.250	.250	.250	.312	.312
14	.250	.250	.250	.250	.312	.312	.312	.312
16	.250	.250	.312	.312	.312	.312	.375	.375
18	.250	.312	.312	.312	.375	.375	.375	.438
20	.250	.312	.312	.312	.375	.375	.375	.438
22	312	.312	.312	.375	375	.375	375	438
24		312			375			
30		375		438	438	. 100		
	.012	.07.0	.0/5		• 150	.500		

Note: Minimum wall thickness is in inches.

For nominal casing diameters less than five (5) inches, the minimum wall thickness must be equivalent to ASTM Schedule 40.

For any other casing diameter not addressed herein,

— 11.2.4 Plastic and Other Non-metallic Casing.

-11.2.4.1 Materials. PVC well casing and screen may be installed in Utah upon obtaining permission of the well owner. Other types of non-metallic casing or screen must be approved by the state engineer prior to installation. Plastic well casing and screen shall be manufactured and installed to conform with The American National Standards Institute (ANSI) or the American Society for Testing and Materials (ASTM) Standard F 480 (most recent version), which are incorporated by reference to these rules. Casing and screen meeting this standard is normally marked "WELL CASING" and with the ANSI/ASTM designation "F 480-, SDR-17 (or 13.5, 21, etc.)". All plastic casing and screen for use in potable water supplies shall be manufactured to be acceptable to the American National Standards Institute/National Sanitation Foundation (NSF) standard 61. Other types of plastic casings and screens may be installed upon manufacturers certification that such casing meets or exceeds the above described ASTM/SDR specification or ANSI/NSF approval and upon state engineer approval.

-Minimum Wall Thickness and Depth 11.2.4.2 Requirements. PVC well casing and screen with a nominal diameter equal to or less than four (4) inches and for non-production well purposes shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 21 or a Schedule 40 designation. PVC well casing and screen use for water production well purposes with a nominal diameter equal to or less than four (4) inches shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 17 or a Schedule 80 designation. PVC well casing and screen with a nominal diameter greater than four (4) inches shall meet the minimum wall thickness required under ASTM Standard F480 (most recent version) SDR 17 or a Schedule 80 designation. Additionally, caution should be used whenever other than factory slots or perforations are added to PVC well casing. The installation of hand cut slots or perforations significantly reduces the collapse strength tolerances of unaltered casings. The depth at which plastic casing and screen is placed in a well shall conform to the minimum requirements and restrictions as outlined in ASTM Standard F-480 (most recent version) and to PVC casing manufacturer recommendations. Liner pipe does not need to meet these wall thickness requirements if it is placed inside of a casing that does meet these wall thickness requirements.

— 11.2.4.3 Fiberglass Casing. Fiberglass reinforced plastic well casings and screens may be installed in wells upon obtaining permission of the well owner. All fiberglass casing or screens installed in wells for use in potable water supplies shall be manufactured to be acceptable by ANSI/NSF Standard 61 and upon state engineer approval.

<u>11.2.4.4 Driving Non-metallic Casing. Non-metallic</u> casing shall not be driven, jacked, or dropped and may only be installed in an oversized borehole.

11.2.4.5 Protective Casing. If plastic or other non-metallic casing is utilized, the driller shall install a protective steel casing which complies with the provisions of Subsection 11.2.3 or an equivalent protective covering approved by the state engineer over and around the well casing at ground surface to a depth of at least two and one half (2.5) feet. If a pitless adapter is installed on the well, the bottom of the protective cover shall be placed above the pitless adapter/well connection. If the pitless adapter is placed in the protective casing, the protective casing shall extend below the pitless entrance in the well casing and be sealed both on the outside of the protective casing and between the protective casing and well casing. The protective cover shall be sealed in the borehole in accordance with the requirements of Subsection 11.4. The annular space between the protective cover and non-metallic casing shall also be sealed with acceptable materials in accordance with Subsection 11.4. A sanitary, weather-tight seal or a completely welded cap shall be placed on top of the protective cover, thus enclosing the well itself. If the sanitary seal is vented, screens shall be placed in the vent to prevent debris insects, and other animals from entering the well. This protective casing requirement does not apply to monitor wells. Figure 5 depicts this requirement.

-11.3 Casing Joints.

11.3.1 General. All well easing joints shall be made water tight. In instances in which a reduction in casing diameter is made, there shall be enough overlap of the easings to prevent misalignment and to insure the making of an adequate seal in the annular space between easings to prevent the movement of unstable sediment or formation material into the well, in addition to preventing the degradation of the water supply by the migration of inferior quality water through the annular space between the two casings.

11.3.3 Plastic Casing. All plastic well casing shall be mechanically screw coupled, chemically welded, cam locked or lug coupled to provide water tight joints as per ANSI/ASTM F480-95. Metal screws driven into casing joints shall not be long enough to penetrate the inside surface of the casing. Metal screws should be used only when surrounding air temperatures are below 50 degrees Fahrenheit (F) which retards the normal setting of the cement. Solvent-welded joints shall not impart taste, odors, toxic substances, or bacterial contamination to the water in the well.

11.4 Surface Seals and Interval Seals.

waters within the annular space around the well casing. Depending upon hydrogeologic conditions around the well, interval seals may need to be installed to prevent the movement of groundwater either upward or downward around the well from zones that have been cased out of the well due to poor water quality or other reasons. The following surface and interval seal requirements apply equally to rotary drilled, cable tool drilled, bored, jetted, augered, and driven wells unless otherwise specified.

-11.4.2 Seal Material.

11.4.2.1 General. The seal material shall consist of neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout as defined in Section R655-4-2. Use of sealing materials other than those listed above must be approved by the state engineer. Bentonite drilling fluid (drilling mud), dry drilling bentonite, or drill cuttings are not an acceptable sealing material. In no case shall drilling fluid (mud), drill cuttings, drill chips, or puddling clay be used, or allowed to fill, partially fill, or fall into the required sealing interval of a well during construction of the well. The annular space to be grouted must be protected from collapse and the introduction of materials other than grout. All hydrated sealing materials (neat cement grout, sand cement grout, bentonite grout) shall be placed by tremie pipe, pumping, or pressure from the bottom of the seal interval upwards in one continuous operation when placed below a depth of 30 feet or when placed below static groundwater level. Neat cement and sand cement grouts must be allowed to cure a minimum of 24 hours before well drilling, construction, or testing may be resumed. Allowable setting times may be reduced or lengthened by use of accelerators or retardants specifically designed to modify setting time, at the approval of the state engineer. The volume of annular space in the seal interval shall be calculated by the driller to determine the estimated volume of seal material required to seal the annular space. The driller shall place at least the volume of material equal to the volume of annular space, thus ensuring that a continuous seal is placed. The driller shall maintain the well casing centered in the borehole during seal placement using centralizers or other means to ensure that the seal is placed radially and vertically continuous. Neat cement and sand cement grout shall not be used for surface or interval seals with PVC and other approved non-metallic casing unless specific state engineer approval is obtained.

11.4.2.2 Bentonite Grout. Bentonite used to prepare grout for sealing shall have the ability to gel; not separate into water and solid materials after it gels; have a hydraulic conductivity or permeability value of 10E-7 centimeters per second or less; contain at least 20 percent solids by weight of bentonite, and have a fluid weight of 9.5 pounds per gallon or greater and be specifically designed for the purpose of sealing. In addition, if a bentonite grout is to be placed in the vadose zone (unsaturated interval), then clean rounded fine sand shall be added to the bentonite grout in order to increase the overall solids content and stabilize the grout from dehydrating and cracking in that interval. For 20% solids bentonite grout, at least 100 pounds of clean rounded fine sand shall be added. For 30% solids bentonite grout, at least 50 pounds of clean fine sand shall be added. Bentonite grout shall not be used for sealing intervals of fractured rock or sealing intervals of highly unstable material that could collapse or displace the sealing material, unless otherwise approved by the state engineer. Bentonite grout shall not be used as a sealing material where rapidly flowing groundwater might erode it. Bentonite or polymer drilling fluid (mud) does not meet the definition of a grout with respect to density, gel strength, and solids content and shall not be used for sealing purposes. At no time shall bentonite grout contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient. All bentonite grout shall be prepared and installed according to the manufacturer's instructions and these rules. All additives must be certified by a recognized certification authority such as NSF and approved by the state engineer. All bentonite used in any well shall be certified by NSF/ANSI approved standards for use in potable water supply wells, or equivalent standards as approved by the state engineer.

11.4.2.3 Unhydrated Bentonite. Unhydrated bentonite (e.g., granular, tabular, pelletized, or chip bentonite) may be used in the construction of well seals above a depth of 50 feet. Unhydrated bentonite can be placed below a depth of 50 feet when placed inside the annulus of two casings, when placed using a tremie pipe, or by using a placement method approved by the state engineer. The bentonite material shall be specifically designed for well sealing and be within industry tolerances. All unhydrated bentonite used for sealing must be free of organic polymers and other contamination. Placement of bentonite shall conform to the manufacturer's specifications and instructions and result in a seal free of voids or bridges. Granular or powdered bentonite shall not be placed under water by gravity feeding from the surface. When placing unhydrated bentonite, a sounding or tamping tool shall be run in the sealing interval during pouring to measure fill-up rate, verify a continuous seal placement, and to break up possible bridges or cake formation. 11.4.3 Seal and Unperforated Casing Placement.

11.4.3.1 General Seal Requirements. Figure 1 illustrates the construction of a surface seal for a typical well. The surface seal must be placed in an annular space that has a minimum diameter of four (4) inches larger than the nominal size of the permanent well casing (This amounts to a 2-inch annulus). The surface seal must extend from land surface to a minimum depth of 30 feet. The completed surface seal must fully surround the permanent well casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil. In unconsolidated formations such as gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the borehole open are not employed, either a temporary surface casing with a minimum depth of 30 feet and a minimum nominal diameter of four (4) inches greater than the outermost permanent casing shall be utilized to ensure proper seal placement or the well driller shall notify the state engineer's office that the seal will be placed in a potentially unstable open borehole without a temporary surface casing by telephone or FAX in conjunction with the start card submittal in order to provide an opportunity for the state engineer's office to inspect the placement of the seal. If a temporary surface casing is utilized, the surface casing shall be removed in conjunction with the placement of the seal. Alternatively, conductor casing may be sealed permanently in place to a depth of 30 feet with a minimum 2-inch annular seal between the surface casing and borehole wall. If the temporary surface casing is to be removed, the surface casing shall be withdrawn as sealing material is placed between the outer-most permanent well casing and borehole wall. The sealing material shall be kept at a sufficient height above the bottom of the temporary surface casing as it is withdrawn to prevent caving of the borehole wall. If the temporary conductor casing is driven in place without a 2-inch annular seal between the surface casing and borehole wall, the surface casing shall be removed. Specific state engineer approval must be obtained on a case-by-case basis for any variation of these requirements. Surface seals and unperforated casing shall be installed in wells located in unconsolidated formation such as sand and gravel with minor clay or confining units; unconsolidated formation consisting of stratified layers of materials such as sand, gravel, and clay or other confining units; and consolidated formations according to the following procedures.

11.4.3.2 Unconsolidated Formation without Significant Confining Units. This includes wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds (at least six feet thick) or other confining formations. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet. Permanent unperforated casing shall extend at least to a depth of 30 feet and also extend below the lowest anticipated pumping level. Additional casing placed in the open borehole below the required depths noted above shall meet the casing requirements of Subsection 9.2 unless the casing is installed as a liner inside a larger diameter approved casing. 11.4.3.3 Unconsolidated Formation with Significant Confining Units. This includes wells that penetrate an aquifer overlain by clay or other confining formations that are at least six (6) feet thick. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five (5) feet into the confining unit above the water bearing formation. Unperforated casing shall extend from ground surface to at least 30 feet and to the bottom of the confining unit overlying the water bearing formation. If necessary to complete the well, a smaller diameter casing, liner, or well screen may be installed below the unperforated casing. The annular space between the two casings shall be sealed with grout, bentonite, or a mechanical packer. Additional casing placed in the open borehole below the required depths noted above shall meet the casing requirements of Subsection 11.2 unless the casing is installed as a liner inside a larger diameter approved casing.

— 11.4.3.4 Consolidated Formation. This includes drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five (5) feet into competent consolidated formation. Unperforated permanent easing shall be installed to extend to a depth of at least 30 feet and the lower part of the casing shall be driven and sealed at least five (5) feet into the consolidated formation. If necessary to complete the well, a smaller diameter casing, liner, or well screen may be installed below the unperforated casing. The annular space between the two casings shall be sealed with grout, bentonite, or a mechanical packer. Additional casing placed in the open borehole below the required depths noted above shall meet the casing requirements of Subsection 11.2 unless the casing is installed as a liner inside a larger diameter approved casing.

11.4.3.5 Sealing Artesian Wells. Unperforated well casing shall extend into the confining stratum overlying the artesian zone, and shall be adequately sealed into the confining stratum to prevent both surface and subsurface leakage from the artesian zone. If leaks occur around the well casing or adjacent to the well, the well shall be completed with the seals, packers, or casing necessary to eliminate the leakage. The driller shall not move the drilling rig from the well site until leakage is completely stopped, unless authority for temporary removal of the drilling rig is granted by the state engineer, or when loss of life or property is imminent. If the well flows naturally at land surface due to artesian pressure, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times. All flowing artesian water supply wells shall be tested for artesian shut-in pressure in pounds per square inch and rate of flow in cubic feet per second, or gallons per minute, under free discharge conditions. This data shall be reported on the well log. 11.4.3.6 Exceptions: With state engineer approval, exceptions to minimum seal depths can be made for shallow wells where the water to be produced is at a depth less than 30 feet. In no case shall a surface seal extend to a total depth less than 10 feet below land surface.

— 11.4.4 Interval Seals. Formations containing undesirable materials (e.g., fine sand and silt that can damage pumping equipment and result in turbid water), contaminated groundwater, or poor quality groundwater must be sealed off so that the unfavorable formation cannot contribute to the performance and quality of the well. These zones, as well as zones with significantly differing pressures, must also be sealed to eliminate the potential of cross contamination or commingling between two aquifers of differing quality and pressure. Figure 4 illustrates this situation. Unless approved by the state engineer, construction of wells that cause the commingling or cross connection of otherwise separate aquifers is not allowed.

<u>11.4.5</u> Other Sealing Methods. In wells where the abovedescribed methods of well sealing do not apply, special sealing procedures can be approved by the state engineer upon written request by the licensed well driller.

11.5 Special Requirements for Oversized and Gravel Packed Wells. This section applies to wells in which casing is installed in an open borehole without driving or drilling in the casing and an annular space is left between the borehole wall and well casing (e.g., mud rotary wells, flooded reverse circulation wells, air rotary wells in open bedrock).

11.5.1 Oversized Borehole. The diameter of the borehole shall be at least four (4) inches larger than the outside diameter of the well casing to be installed to allow for proper placement of the gravel pack and/or formation stabilizer and adequate clearance for grouting and surface seal installations. In order to accept a smaller diameter casing in any oversized borehole penetrating unconsolidated or stratified formations, the annular space must be sealed in accordance with Subsection 11.4. In order to minimize the risk of: 1) borehole caving or collapse; 2) casing failure or collapse; or 3) axial distortion of the casing, it is required that the entire annular space in an oversized borehole between the casing and borehole wall be filled with formation stabilizer such as approved seal material, gravel pack, filter material or other state engineer-approved materials. Well casing placed in an oversized borehole should be suspended at the ground surface until all formation stabilizer material is placed in order to reduce axial distortion of the casing if it is allowed to rest on the bottom of an open oversized borehole. In order to accept a smaller diameter casing, the annular space in an oversized borehole penetrating unconsolidated formations (with no confining layer) must be sealed in accordance with Subsection 11.4 to a depth of at least 30 feet or from static water level to ground surface, whichever is deeper. The annular space in an oversized borehole penetrating stratified or consolidated formations must be sealed in accordance with Subsection 11.4 to a depth of at least 30 feet or five (5) feet into an impervious strata (e.g., clay) or competent consolidated formation overlying the water producing zones back to ground surface, whichever is deeper. Especially in the case of an oversized borehole, the requirements of Subsection 11.4.4 regarding interval sealing must be followed.

11.5.2 Gravel Pack or Filter Material. The gravel pack or filter material shall consist of clean, well-rounded, chemically stable grains that are smooth and uniform. The filter material should not contain more than 2% by weight of thin, flat, or elongated pieces and should not contain organic impurities or contaminants of any kind. In order to assure that no contamination is introduced into the well via the gravel pack, the gravel pack must be washed with a minimum 100 ppm solution of chlorinated water or dry hypochlorite mixed with the gravel pack at the surface before it is introduced into the well (see Table 7 of these rules for required amount of chlorine material). 11.5.3 Placement of Filter Material. All filter material shall be placed using a method that through common usage has been shown to minimize a) bridging of the material between the borehole and the casing, and b) excessive segregation of the material after it has been introduced into the annulus and before it settles into place. It is not acceptable to place filter material by pouring from the ground surface unless proper sounding devices are utilized to measure dynamic filter depth, evaluate pour rate, and minimize bridging and formation of voids.

— 11.5.4 No Surface Casing Used. If no permanent conductor casing is installed, neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite seal shall be installed in accordance with Subsection 11.4. Figure 2 of these rules illustrates the construction of a typical well of this type.

11.5.5 Permanent Conductor Casing Used. If permanent conductor casing is installed, it shall be unperforated and installed and sealed in accordance with Subsection 11.4 as depicted in Figure 3 of these rules. After the gravel pack has been installed between the conductor casing and the well casing, the annular space between the two casings shall be sealed by either welding a water-tight steel cap between the two casings at land surface or filling the annular space between the two casings with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite from at least 50 feet to the surface and in accordance with Subsection 11.4. If a hole will be created in the permanent conductor casing in order to install a pitless adapter into the well casing, the annual space between the conductor easing and well casing shall be sealed to at least a depth of thirty (30) feet with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite. A waterproof cap or weld ring sealing the two casings at the surface by itself without the annular seal between the two casings is unacceptable when a pitless adapter is installed in this fashion. Moreover in this case, the annular space between the surface casing and well casing must be at least 2 inches in order to facilitate seal placement.

11.5.6 Gravel Feed Pipe. If a gravel feed pipe, used to add gravel to the gravel pack after well completion, is installed, the diameter of the borehole in the sealing interval must be at least four (4) inches in diameter greater than the permanent casing plus the diameter of the gravel feed pipe. The gravel feed pipe must have at least 2-inches of seal between it and the borehole wall. The gravel feed pipe must extend at least 18 inches above ground and must be sealed at the top with a watertight cap or plug (see Figure 2).

— 11.5.7 Other Gravel Feed Options. If a permanent surface easing or conductor casing is installed in the construction of a filter pack well, a watertight, completely welded, steel plate (weld ring) at least 3/16 of an inch in thickness shall be installed between the inner production casing and the outer surface/conductor casing at the wellhead. A watertight fill port with threaded cap may be installed for the purpose of placing additional filter pack material in the well. 11.6 Protection of the Aquifer.

11.6.1 Drilling Fluids and LCMs. The well driller shall take due care to protect the producing aquifer from clogging or contamination. Organic substances or phosphate based substances shall not be introduced into the well or borehole during drilling or construction. Every effort shall be made to remove all substances and materials introduced into the aquifer or aquifers during well construction. "Substances and materials" shall mean all bentoniteand polymer based drilling fluids, filter cake, and any other inorganic substances added to the drilling fluid that may seal or clog the aquifer.

All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the state engineer. The introduction of lost circulation materials (LCM's) during the drilling process shall be limited to those products which will not present a potential medium for bacterial growth or contamination. Only LCM's which are non-organic, which can be safely broken down and removed from the borehole, may be utilized. This includes, but is not limited to, paper/wood products, brans, hulls, grains, starches, hays/straws, and proteins. This is especially important in the construction of wells designed to be used as a public water system supply. All polymers and additives used in any well shall be certified by NSF/ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the Division. The product shall be clearly labeled as meeting these standards. Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

11.6.2 Containment of Drilling Fluid. Drilling or circulating fluid introduced into the drilling process shall be contained in a manner to prevent surface or subsurface contamination and to prevent degradation of natural or man-made water courses or impoundments. Rules regarding the discharges to waters of the state are promulgated under R317-8-2 of the Utah Administrative Code and regulated by the Utah Division of Water Quality (Tel. 801-536-6146). Pollution of waters of the state is a violation of the Utah Water Quality Act, Utah Code Annotated Title 19, Chapter 5.

11.6.3 Mineralized, Contaminated or Polluted Water. Whenever a water bearing stratum that contains nonpotable mineralized, contaminated or polluted water is encountered, the stratum shall be adequately sealed off so that contamination or comingling of the overlying or underlying groundwater zones will not occur (see Figure 4) Water bearing zones with differing pressures must also be isolated and sealed off in the well to avoid aquifer depletion, wasting of water, and reduction of aquifer pressures.

11.6.4 Down-hole Equipment. All tools, drilling equipment, and materials used to drill, repair, renovate, clean, or install a pump in a well shall be free of contaminants prior to beginning well construction or other in well activity. Contaminants include lubricants, fuel, bacteria, etc. that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well. It is recommended that excess lubricants placed on drilling equipment be wiped clean prior to insertion into the borehole.

11.6.5 Well Disinfection and Chlorination of Water. No contaminated or untreated water shall be placed in a well during construction. Water should be obtained from a chlorinated municipal system. Where this is not possible, the water must be treated to give at least 100 parts per million free chlorine residual. Upon completion of a well or work on a well, the driller or pump installer shall disinfect the well using accepted disinfection procedures to give at least 100 parts per million free chlorine residual equally distributed in the well water from static level to the bottom of the well. A chlorine solution designated for potable water use prepared with either calcium hypochlorite (powdered, granular, or tablet form) or sodium hypochlorite in liquid form shall be used for water well disinfection. Off-the-shelf chlorine compounds intended for home laundry use, pool or fountain use should not be used if they contain additives such as antifungal agents, silica ("Ultra" brands), scents, etc. Table 7 provides the amount of chlorine compound required per 100 gallons of water or 100 feet linear casing volume of water to mix a 100 parts per million solution. Disinfection situations not depicted in Table 7 must be approved by the state engineer. Additional recommendations and guidelines for water well system disinfection are available from the state engineer upon request.

TABLE 7

AMOUNT OF CHLORINE COMPOUND FOR EACH 100 FEET OF WATER STANDING IN WELL (100 ppm solution)

Well	Ca-HyCLT*	Ca-HyCLT	Na-HyCLT**	Liquid CL***
Diameter	(25% HOCL)	(65% HOCL)	(12-trade %)	(100% C12)
(inches)	(ounces)	(ounces)	(fluid ounces)	(1bs)
2	1.00	0.50	3.5	0.03
4	3.50	1.50	7.0	0.06
6	8.00	3.00	16.0	0.12
8	14.50	5.50	28.0	0.22
10	22.50	8.50	45.0	0.34
12	32.50	12.00	64.0	0.50
14	44.50	16.50	88.0	0.70
16	58.00	26.00	112	0.88
20	90.50	33.00	179	1.36

For every 100

-gal. of water

add: 5.50 2.00 11.5 0.09

OTES: *Calcium Hypochlorite (solid) **Sodium Hypochlorite (liquid)

***Liquid Chlorine

<u>11.7 Special Requirements.</u>

11.7.1 Explosives. Explosives used in well construction shall not be detonated within the section of casing designed or expected to serve as the surface seal of the completed well, whether or not the surface seal has been placed. If explosives are used in the construction of a well, their use shall be reported on the official well log. In no case shall explosives, other than explosive shot perforators specifically designed to perforate steel casing, be detonated inside the well casing or liner pipe.

11.7.2 Access Port. Every well shall be equipped with a usable access port so that the position of the water level, or pressure head, in the well can be measured at all times.

11.7.4 Surface Security. If it becomes necessary for the driller to temporarily discontinue the drilling operation before completion of the well or otherwise leave the well or borehole unattended, the well and/or borehole must be covered securely to prevent contaminants from entering the casing or borehole and rendered secure against entry by children, vandals, domestic animals, and wildlife.

11.7.5 Pitless Adapters/Units. Pitless adapters or units are acceptable to use with steel well casing as long as they are installed in accordance with manufacturers recommendations and specifications as well as meet the Water Systems Council Pitless Adapter Standard (PAS 97) which are incorporated herein by reference and are available from Water Systems Council, 13 Bentley Dr., Sterling, VA 20165, phone 703 430 6045, fax 703 430 6185 (watersystemscouncil.org). The pitless adaptor, including the cap or cover, casing extension, and other attachments, must be so designed and constructed to be secure, water tight, and to prevent

contamination of the potable water supply from external sources. Pitless wellhead configurations shall have suitable access to the interior of the well in order to measure water level and for well disinfection purposes. Pitless configurations shall be of watertight construction throughout and be constructed of materials at least equivalent to and having wall thickness and strength compatible to the casing. Pitless adapters or units are not recommended to be mounted on PVC well casing. If a pitless adapter is to be used with PVC casing, it should be designed for use with PVC casing, and the driller should ensure that the weight of the pump and column do not exceed the strength of the PVC well casing. If it is known that a pitless adapter/unit will be installed on a well, a cement grout seal shall not be allowed within the pitless unit or pitless adaptor sealing interval as the well is being constructed. The pitless adapter or unit sealing interval shall be sealed with unhydrated bentonite as the well is constructed and before pitless installation. Upon pitless adapter/unit installation, the surface seal below the pitless connection shall be protected and maintained. After the pitless adapter/unit has been installed, the associated excavation around the well from the pitless connection to ground surface shall be backfilled and compacted with low permeability fill that includes clay. The pitless adapter or unit, including the cap or cover, pitless case and other attachments, shall be designed and constructed to be watertight to prevent the entrance of contaminants into the well from surface or near-surface sources.

11.7.6 Hydraulic Fracturing. The hydraulic fracturing pressure shall be transmitted through a drill string and shall not be transmitted to the well casing. Hydraulic fracturing intervals shall be at least 20 feet below the bottom of the permanent casing of a well. All hydraulic fracturing equipment shall be thoroughly disinfected with a 100 part per million chlorine solution prior to insertion into the well. The driller shall include the appropriate hydraulic fracturing information on the well log including methods, materials, maximum pressures, location of packers, and initial/final yields. In no case shall hydrofacturing allow commingling of waters within the well bore. Clean sand or other material (propping agents) approved by the Division may be injected into the well to hold the fractures open when pressure is removed.

11.7.7 Static Water Level, Well Development, and Well Yield. To fulfill the requirements of Subsection R655-4-4.5.2, new wells designed to produce water shall be developed to remove drill cuttings, drilling mud, or other materials introduced into the well during construction and to restore the natural groundwater flow to the well to the extent possible. After a water production well is developed, a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Following development and testing, the static water level in the well should also be measured. Static water level, well development information, and well yield information shall be noted on the official submittal of the Well Log by the well driller.

11.7.8 Packers. Packers shall be of a material that will not impart taste, odor, toxic substances or bacterial contamination to the water in the well.

11.7.9 Screens. Screens must be constructed of corrosionresistant material and sufficiently strong to withstand stresses encountered during and after installation. Screen slot openings, screen length, and screen diameter should be sized and designed to provide sufficient open area consistent with strength requirements to transmit sand free water from the well. Screens should be installed so that exposure above pumping level will not occur.

 required casing seal except for pitless adapters, measurement access ports, and other approved openings installed in conformance with these standards. In no case shall holes be cut in the casing wall for the purpose of lifting or lowering casing into the well bore unless such holes are properly welded closed and watertight prior to placement into the well bore.

<u>11.7.11</u> Casing vents. If a well requires venting, it must terminate in a down turned position at least 18 inches above ground (land) level, at or above the top of the casing or pitless unit and be covered with a 24 mesh corrosion resistant screen.

R655-4-12. Special Wells.

12.1 Construction Standards for Special Wells.

12.1.2 Public Water Supply Wells. Public water supply wells are subject to the minimum construction standards outlined in Section R655 4-11 in addition to the requirements established by the Department of Environmental Quality, Division of Drinking Water under Rules R309-515 and R309 600. Rules and requirements in R309-515 and R309 600 are regulated by the Division of Drinking Water and not by the Division of Water Rights and may include a preliminary evaluation report related to drinking water source protection, well plan and specification review and approval, and mandatory grout seal inspection (The Division of Drinking Water should be contacted to determine specific and current rules and requirements).

12.1.3 Cathodic Protection Well Construction. Cathodic protection wells shall be constructed in accordance with the casing, joint, surface seal, and other applicable requirements outlined in Section R655-4-11. Any annular space existing between the base of the annular surface seal and the top of the anode and conductive fill interval shall be filled with appropriate fill or sealing material. Fill material shall consist of washed granular material such as sand, pea gravel, or sealing material. Fill material shall not be subject to decomposition or consolidation and shall be free of pollutants and contaminants. Fill material shall not be toxic or contain drill cuttings or drilling mud. Additional sealing material shall be placed below the minimum depth of the annular surface seal, as needed, to prevent the cross-connection and commingling of separate aquifers and water bearing zones. Vent pipes, anode access tubing, and any other tubular materials (i.e., the outermost casing) that pass through the interval to be filled and sealed are considered casing for the purposes of these standards and shall meet the requirements of Subsections R655-4-11.2 and 11.3. Cathodic protection well casing shall be at least 2 inches in internal diameter to facilitate eventual well abandonment. Figure 6 illustrates the construction of a typical cathodic protection well.

12.1.4 Closed loop Heating/Cooling Exchange Wells. Wells or boreholes utilized for heat exchange or thermal heating in a closed loop fashion, which are greater than 30 feet in depth and encounter formations containing groundwater, must be drilled by a licensed driller and the owner or applicant must have an approved application for that specific purpose as outlined in Section R655-4-9. Wells or boreholes installed for heat or thermal exchange process must comply with the minimum construction standards of Section R655-4-11. Direct exchange (DX) systems are not allowed unless case by case permission is provided by the state engineer.

12.1.4.1 For open loop systems where groundwater is removed, processed, and re injected, a non-consumptive use water right approval must be obtained from the state engineer. Approval to re-inject water underground is also required from the Utah Division of Water Quality. Open loop system wells shall be constructed in accordance with the requirements found in Section 11. If a separate well or borehole is required for re-injection purposes, it must also comply with these standards and the groundwater must be injected into the same water bearing zones as from which it is initially withdrawn. The quality and quantity of groundwater shall not be diminished or degraded upon re-injection.

12.1.4.2 Closed-loop heat exchange wells must also comply with the guidelines set forth in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, 614.898-7786, website www.ngwa.org, email Fax____ eustomerservice@ngwa.org) or standards set forth in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). These guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116). For closed-loop systems where groundwater is not removed in the process, non-production well approval must be obtained from the state engineer. Specific requirements for closed-loop wells include:

a. The location of closed loop heat pump wells must comply with applicable ordinances, regulations, or other enforceable instruments of local governments to ensure adequate protection of public water systems from encroachments or any impairment of the groundwater resource. During drilling and construction, provisions shall be made to reduce entry of foreign matter or surface runoff into the well or borehole.

b. Closed loop system wells must be sealed from the bottom of the well/boring to ground surface using acceptable materials and placement methods described in Section 11.4. Sand may be added to the seal mix to enhance thermal conductivity as long as the seal mix meets permeability and gel strength standards outlined in Section 11.4.

c. Borehole Diameter: The borehole diameter of a closed loop heat pump well must be of sufficient size to allow placement of the pipe and placement of a tremie to emplace the grout. In general, for loop piping with a nominal diameter of 3/4 to 1 inch, the borehole diameter shall be at least 4.75 inches. For loop piping with a nominal diameter of 1.25 inches, the borehole diameter shall be at least 5.25 inches. For loop piping with a nominal diameter of 1.5 to 2.0 inches, the borehole diameter shall be at least 6.0 inches.

d. Grouting of Vertical Ground Water Heat Pump Wells: Grouting the annulus of a heat pump well shall be completed within 24 hours from the time the borehole is drilled and loaded with the Ubend assembly and within at least 6 hours from the time the drill rig moves off the borehole. Full length grout placement is required on all vertical closed loop heat pump boreholes. e. Placement of Grout Material: Full length grout material must be placed by tremie from the bottom of the borehole to the top. The tremie pipe shall be continuously submerged in grout during placement. The tremie pipe must not be left in the borehole. The grout must fill the entire borehole. Grout must not be allowed to freefall. Once the grout has settled for at least 48 hours, borehole shall be topped off with additional grout as necessary to maintain seal material to ground surface.

f. Pipe: Pipe material, joining methods, and installation must meet the guidelines and standards referenced in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, 614-898-7791, Fax 614.898-7786, Phoneemail customerservice@ngwa.org) and in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116). U-bend connections shall be factory jointed and piping shall not have any fusion joints below a depth of 30 feet.

g. Pressure Testing: Loop piping shall be filled with water and pressure tested prior to installation into the borehole. Loop piping failing this initial pressure testing shall not be installed. The installed system must be pressure tested at a minimum of 2 times the system operating pressure to ensure the integrity of the system. If a pressure loss is detected, the cause must be properly repaired or material replaced or properly plugged. The system shall be pressure tested again following any repairs. Pressure testing procedures shall follow the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org) and in the Design and Installation Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116).

h. Heat transfer fluid, additives, and inhibitors. The heat transfer fluids, additives, and inhibitors used inside the closed-loop assembly must be nontoxic, safe to install, provide corrosion protection, not promote bacterial growth, and not produce an unacceptable risk to the environment in the event of a system leak. Potassium acetate or ethylene glycol shall not be used as a heat transfer fluid. Water used in the heat transfer fluid mix must be from a treated potable source or be disinfected in accordance with these rules. Use and placement of fluids, additives, and inhibitors shall be in accordance with the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed Loop Heat Pump Systems, (guidelines are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, 614-898-7791. Fax 614.898-7786. Phone_ email customerservice@ngwa.org) and in the Design and Installation

Standards for Closed-Loop/Geothermal Heat Pump Systems (standards are copyrighted and available from the International Ground Source Heat Pump Association (374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu). Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116).

i. Abandonment: When closed-loop heat exchange wells are required to be permanently abandoned (decommissioned and sealed), the most recent version of the standards referenced in the previous section shall be followed. The state engineer shall be notified prior to loop field abonnement. All heat transfer fluids shall be flushed and removed from loop piping prior to abandonment. Below ground loop piping to be abandoned shall be filled completely with acceptable grout and the loop piping ends properly capped or sealed.

12.1.5 Recharge and Recovery Wells. Any well drilled under the provisions of Title 73, Chapter 3b (Groundwater Recharge and Recovery Act) shall be constructed in a manner consistent with these rules and shall be drilled by a currently licensed driller. Special rules regarding the injection of water into the ground are also promulgated under the jurisdiction of the Utah Department of Environmental Quality, Division of Water Quality (Rule R317-7 "Underground Injection Control Program" of the Utah Administrative Code) and must be followed in conjunction with the Water Well Drilling rules.

R655-4-13. Deepening, Rehabilitation, and Renovation of Wells. <u>13.1 Sealing of Casing.</u>

<u>13.1.1</u> If in the repair of a drilled well, the old casing is withdrawn, the well shall be recased and resealed in accordance with the rules provided in Subsection R655-4-11(11.4).

13.2.1 If an inner casing is installed to prevent leakage of undesirable water into a well, the space between the two well casings shall be completely sealed using packers, casing swedging, pressure grouting, etc., to prevent the movement of water between the casings. 13.3 Outer Casing.

<u>13.3.1 If the "over drive" method is used to eliminate</u> leakage around an existing well, the casing driven over the well shall meet the minimum specifications listed in Subsection R655-4-11(11.4).

13.4 Artesian Wells.

13.4.1 If upon deepening an existing well, an artesian zone is encountered, the well shall be cased and completed as provided in Subsection R655-4-11(11.4).

<u>— 13.5 Drilling in a Dug Well.</u>

<u>13.5.1.1</u> Unperforated Casing Requirements. An unperforated section of well casing extends from a depth of at least ten (10) feet below the bottom of the dug well and at least 20 feet below land surface to above the maximum static water level in the dug well.

<u>13.5.1.2</u> Seal Required. A two foot thick seal of neat cement grout, sand cement grout, or bentonite grout is placed in the

bottom of the dug well so as to prevent the direct movement of water from the dug well into the drilled well.

13.5.1.3 Test of Seal. The drilled well shall be pumped or bailed to determine whether the seal described in Subsection R655-4-13(13.5.1.2) is adequate to prevent movement of water from the dug well into the drilled well. If the seal leaks, additional sealing and testing shall be performed until a water tight seal is obtained.

13.6 Well Rehabilitation and Cleaning.

13.6.1 Tools used to rehabilitate or clean a well shall be cleaned, disinfected, and free of contamination prior to placement in a well.

13.6.2 The driller shall use rehabilitation and cleaning tools properly so as not to permanently damage the well or aquifer. If the surface seal is damaged or destroyed in the process of rehabilitation or cleaning, the driller shall repair the surface seal to the standards set forth in Subsection R655-4 11(11.4).

13.6.3 Debris, sediment, and other materials displaced inside the well and surrounding aquifer as a result of rehabilitation or cleaning shall be completely removed by pumping, bailing, well development, or other approved methods.

13.6.4 Detergents, chlorine, acids, or other chemicals placed in wells for the purpose of increasing or restoring yield, shall be specifically designed for that purpose and used according to the manufacturer's recommendations.

— 13.6.5 Any renovation, rehabilitation, cleaning, or other work on a well that requires alteration of the well itself shall be conducted by a licensed well driller.

13.6.6 Following completion of deepening, renovation, rehabilitation, cleaning, or other work on a well, the well shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).

R655-4-14. Abandonment of Wells.

14.1 Temporary Abandonment.

14.1.1 When any well is temporarily removed from service, the top of the well shall be sealed with a tamper resistant, water tight cap or seal. If a well is in the process of being drilled and is temporarily abandoned, the well shall be sealed with a tamper resistant, water tight cap or seal and a surface seal installed in accordance with Subsection R655-4-11(11.4). The well may be temporarily abandoned during construction for a maximum of 90 days. After the 90 day period, the temporarily abandoned well shall be completed as a well that meets the standards of Section 11 or permanently abandoned in accordance with the following requirements, and an official well abandonment report (abandonment log) must be submitted in compliance with Section R655-4-4.

14.2 Permanent Abandonment.

becoming a conduit for possible contamination of the groundwater supply. A well driller who wishes to abandon a well in a manner that does not comply with the provisions set forth in this section must request approval from the state engineer.

14.3 License Required.

 — 14.3.1 Well abandonment shall be accomplished under the direct supervision of a currently licensed water well driller who shall be responsible for verification of the procedures and materials used.
 — 14.4 Acceptable Materials.

14.4.1 Neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout in accordance with Section R655 4-11.4 shall be used to abandon wells and boreholes. Other sealing materials or additives, such as fly ash, may be used in the preparation of grout upon approval of the state engineer. Drilling mud or drill cuttings shall not be used as any part of a sealing materials for well abandonment. The liquid phase of the abandonment fluid shall be water from a potable municipal system or disinfected in accordance with Subsection R655 4-11(11.6.5).

14.5 Placement of Materials.

14.5.1 Neat cement and sand cement grout shall be introduced at the bottom of the well or required sealing interval and placed progressively upward to the top of the well. The sealing material shall be placed by the use of a grout pipe, tremie line, dump bailer or equivalent in order to avoid freefall, bridging, or dilution of the sealing materials or separation of aggregates from sealants. Sealing material shall not be installed by freefall (gravity) unless the interval to be sealed is dry and no deeper than 30 feet below ground surface. If the well to be abandoned is a flowing artesian well, the well may be pressure grouted from the surface. The well should be capped immediately after placement of seal materials to allow the seal material to set up and not flow out of the well.

14.5.3 If seal material settlement occurs during placement and set up, the top of the abandoned well casing or borehole shall be topped off with approved sealing material until the seal top remains at the natural ground surface.

14.5.4 Abandonment materials placed opposite any nonwater bearing intervals or zones shall be at least as impervious as the formation or strata prior to penetration during the drilling process.

14.5.5 Prior to well or borehole abandonment, all pump equipment, piping, and other debris shall be removed to the extent possible. The well shall also be sounded immediately before it is plugged to make sure that no obstructions exist that will interfere with the filling and sealing. If the well contains lubricating oil that has leaked from a turbine shaft pump, it shall be removed from the well prior to abandonment and disposed of in accordance with applicable state and federal regulations.

14.5.6 Verification shall be made that the volume of sealing and fill material placed in a well during abandonment operations equals or exceeds the volume of the well or borehole to be filled and sealed.

— 14.6 Termination of Casing.

 surface, compacted native material shall be placed above the abandoned well upon completion.

14.7 Abandonment of Artesian Wells.

14.7.1 A neat cement grout, sand cement grout, or concrete plug shall be placed in the confining stratum overlying the artesian zone so as to prevent subsurface leakage from the artesian zone. The remainder of the well shall be filled with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. The uppermost ten (10) feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.8 Abandonment of Drilled and Jetted Wells.

14.8.1 A neat cement grout or sand cement grout plug shall be placed opposite all perforations, screens or openings in the well easing. The remainder of the well shall be filled with cement grout, neat cement, bentonite abandonment products, concrete, or bentonite slurry. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.9 Abandonment of Gravel Packed Wells.

14.9.1 All gravel packed wells shall be pressure grouted throughout the perforated or screened section of the well. The remainder of the well shall be filled with sand cement grout, neat eement grout, bentonite abandonment products, or bentonite grout. If gravel pack extends above or below the perforated/screened interval in the annular space between the casing and borehole wall, additional perforations in that blank interval of casing shall be required. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.10 Removal of Casing.

4.10.1 Where possible, it is recommended that the well casing be removed during well abandonment, and when doing so, the abandonment materials shall be placed from the bottom of the well or borehole progressively upward as the casing is removed. The well shall be sealed with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. In the case of gravel packed wells, the entire gravel section shall be pressure grouted. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.11 Replacement Wells.

14.11.1 Wells which are to be removed from operation and replaced by the drilling of a new well under an approved replacement application, shall be abandoned in a manner consistent with the provisions of Section R655-4-14 before the rig is removed from the site of the newly constructed replacement well, unless written authorization to remove the rig without abandonment is provided by the state engineer. Also refer to the requirements provided in Subsection R655-4-4(4.4).

14.12 Abandonment of Cathodic Protection Wells.

<u>14.12.1 The general requirements for permanent well</u> abandonment in accordance with Section R655-4-14 shall be followed for the abandonment of cathodic protection wells.

14.12.2 A cathodic protection well shall be investigated before it is destroyed to determine its condition, details of its construction and whether conditions exist that will interfere with filling and sealing.

14.12.3 Casing, cables, anodes, granular backfill, conductive backfill, and sealing material shall be removed as needed, by re-drilling, if necessary, to the point needed to allow proper placement of abandonment material. Casing that cannot be removed shall be adequately perforated or punctured at specific intervals to allow pressure injection of sealing materials into granular backfill and all other voids that require sealing.

R655-4-15. Monitor Well Construction Standards.

<u>— 15.1 Scope.</u>

15.1.1 Certain construction standards that apply to water wells also apply to monitor wells. Therefore, these monitoring well standards refer frequently to the water well standard sections of the rules. Standards that apply only to monitor wells, or that require emphasis, are discussed in this section. Figure 7 illustrates a schematic of an acceptable monitor well with an above ground surface completion. Figure 8 illustrates a schematic of an acceptable monitor well with a flush-mount surface completion. Figures 7 and 8 can be viewed in the publication, State of Utah Administrative Rules for Water Wells, most recent edition, available at the Division of Water Rights, 1594 West North Temple, Salt Lake City, Utah.

15.1.2 These standards are not intended as a complete manual for monitoring well construction, alteration, maintenance, and abandonment. These standards serve only as minimum statewide guidelines towards ensuring that monitor wells do not constitute a significant pathway for the movement of poor quality water, pollutants, or contaminants. These standards provide no assurance that a monitor well will perform a desired function. Ultimate responsibility for the design and performance of a monitoring well rests with the well owner and/or the owner's contractor, and/or technical representative(s). Most monitor well projects are the result of compliance with the Environmental Protection Agency (EPA), Federal Regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"), or specific State Solid and Hazardous Waste requirements. The contracts governing their installation are tightly written containing specific requirements as to site location, materials used, sampling procedures and overall objectives. Therefore specific construction requirements for monitor well installation shall be governed by applicable contracts and regulations providing they meet or exceed state requirements and specifications. Guidelines and recommended practices dealing with the installation of monitor wells may be obtained from the state engineer upon request. Additional recommended information may be obtained from the Environmental Protection Agency (EPA), Resource Conservation and Recovery Act (RCRA), Groundwater Monitoring Enforcement and Compliance Document available from EPA's regional office in Denver, Colorado and from the Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells, available from the National Groundwater Association in Dublin, Ohio.

15.2 Installation and Construction.

15.2.1 Materials and Equipment Contaminant Free. All material used in the installation of monitor wells shall be contaminant free when placed in the ground. Drilling equipment shall be clean and contaminant free in accordance with Subsection R655-4-11(11.6.4). During construction contaminated water should not be allowed to enter contaminant free geologic formations or water bearing zones.

<u>15.2.2</u> Borehole Integrity. Some minor crosscontamination may occur during the drilling process, but the integrity of the borehole and individual formations must then be safeguarded from permanent cross connection.

15.2.3 Casing and Screen. The well casing should be perforated or screened and filter packed with sand or gravel where necessary to provide adequate sample collection at depths where appropriate aquifer flow zones exist. The casing and screen selected shall not affect or interfere with the chemical, physical, radiological, or biological constituents of interest. Screens in the same well shall not be placed across separate water bearing zones in order to minimize interconnection, aquifer commingling, and cross contamination. Screens in a nested well can be placed in separate water bearing zones as long as the intervals between the water bearing zones are appropriately sealed and aquifer cross connection and commingling does not occur. Monitor well casing and screen shall conform to ASTM standards, or consist of at least 304 or 316 stainless steel, PTFE (Teflon), or Schedule 40 PVC casing.

15.2.4 Gravel/Filter Pack. If installed, the gravel or filter pack should generally extend two (2) feet to ten (10) feet above screened or perforated areas to prevent the migration of the sealing material from entering the zones being sampled. Gravel or filter pack material shall meet the requirements of Subsection R655 4-11(11.5.2). Gravel/filter pack for monitoring wells does not require disinfection. Drill cutting should not be placed into the open borehole annulus. The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the gravel pack by means of a sounding device or other mechanism.

15.2.5 Annular Seal. All monitor wells constructed shall have a continuous surface seal, which seals the annular space between the borehole and the permanent casing, in accordance with the provisions in Section R655-4-11. The surface seal depth requirements of Section R655-4-11 do not apply to monitor wells. The surface seal may be more or less than 50 feet depending on the screen/perforation and/or gravel pack interval. Seals shall also be constructed to prevent interconnection and commingling of separate aquifers penetrated by the well, prevent migration of surface water and contaminations into the well and aquifers, and shall provide casing stability. The seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. After the permanent casing and filter pack (optional) has been set in final position, a layer of bentonite or fine sand (e.g., mortar sand) shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval in order to insure that the seal placement will not interfere with the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with unhydrated bentonite, neat cement grout, sand-cement grout, or bentonite grout. Only potable water should be used to hydrate any grout or slurry mixture. The completed annular space shall fully surround the permanent casing, be evenly distributed, free of voids, and extend from the permanent casing to undisturbed or recompacted soil. All sealing materials and placement methods shall conform to the standards in Section R655-4-2 and Subsection R655-4-11(11.4). The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the seal.

15.2.6 Cuttings, Decon Water, Development Water, and Other IDW. Drill cuttings, decontamination (Decon) water, monitor well development water, and other investigation derived waste (IDW) shall be managed and disposed of in accordance with applicable state and federal environmental regulations. It is the responsibility of the driller to know and understand such requirements.

15.3 Minimum Surface Protection Requirements.

<u>15.3.1 If a well is cased with metal and completed above</u> ground surface, a locking water resistant cap shall be installed on the top of the well.

15.3.2 If the well is not cased with metal and completed above ground surface, a protective metal casing shall be installed over and around the well. The protective casing shall be cemented at least two feet into the ground around the nonmetallic casing. A water tight cap shall be installed in the top of the well casing. A locking cap shall be installed on the top of the protective casing. 15.3.3 Monitor wells completed above ground and potentially accessible to vehicular damage shall be protected in the following manner. At least three metal posts, at least three inches in diameter, shall be cemented in place around the casing. Each post shall extend at least three feet above and two feet below ground surface. A concrete pad may be installed to add protection to the surface completion. If installed, the concrete pad shall be at least four (4) inches thick and shall slope to drain away from the well casing. The base shall extend at least two (2) feet laterally in all directions from the outside of the well boring. When a concrete pad is used, the well seal may be part of the concrete pad.

15.3.4 If the well is completed below land surface, a water tight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The monument and cover must be designed to withstand the maximum expected load.

15.4.1 Abandonment of monitor wells shall be completed in compliance with the provisions of Section R655-4-14. The provisions of Section R655-4-14 are not required for the permanent abandonment of monitor wells completed at a depth of 30 feet below natural ground surface.

R655-4-16. Pump Installation and Repair.

16.1 Pump installation practices. All pump installations shall be completed in such a manner as to prevent waste and contamination of groundwater by pollution material entering the well from pumping equipment, easing connectors, fittings, piping, sanitary seals or caps.

16.2 Surface Seal. If in the process of pump installation or repair, the well's surface seal is disturbed or damaged, it shall be repaired and resealed in accordance with the standards provided in Subsection R655-4-11(11.4).

16.3 Tools, Equipment, and Materials. Down-hole tools and equipment used in performance of pump installation and repair shall be cleaned, disinfected, and free of contamination prior to placement in a well. All tools, drilling equipment, and materials used to drill a well shall be free of contaminants prior to beginning pumprelated work. Contaminants include lubricants, fuel, bacteria, etc. that will reduce the well efficiency, and any other item(s) that will be harmful to public health and/or the resource or reduce the life of the water well. It is recommended that excess lubricants placed on equipment be wiped clean prior to insertion into the well. Thread Compounds, Sealants, and Lubricants must not exceed the maximum contaminant levels for chemicals, taste, and odor. The licensee shall use pump related tools and equipment properly so as not to permanently damage the well or aquifer.

16.4 Disinfection. Following completion of pump installation and repair work on a well, the well, pump, and in well discharge piping shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).

16.5. Product, material, and Process Standards. Any product, material or procedure designed for use related to pump installation and repair of water production or non-production wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI/NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval. Organic substances shall not be introduced into the well or borehole during pump installation and repair work.

16.6 Surface Completions. Pump installers shall leave the well surface completion upon completion of pump installation/repair work in accordance with the standards in Subsection R655 4-11 as it pertains to casing stick up, steel/PVC casing extensions, sanitary capping and venting, and protective casings. Upon completion, all wells shall be equipped with a watertight, tamper-resistant casing cap or sanitary seal.

16.7 Flowing Artesian Wells. In accordance with Subsection R655-4-11(11.4.3.5, artesian wells that flow naturally at the surface, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times.

16.8 Seals Between Casings. If the well is constructed of multiple casing strings at or near the ground surface and if a pitless adapter/unit is installed, the standards of Subsection R655-4-11(11.5.5) shall be employed to ensure proper sealing between casings is maintained.

16.9 Water Level and Flow Measurement. Following pump installation and repair work, the well shall be left in such a manner to allow for access to water level measurements in accordance with R655 4-11(11.7.2). After pump installation and repair work is completed on a well, the static water level should be measured after which a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Pumping water level should be measured and recorded during this test. Static water level and well testing information shall be noted on the official submittal of the Pump Log by the pump installer or well driller.

16.10 Surface Security. If it becomes necessary for the pump installer to temporarily discontinue operation on a well before completion or otherwise leave the well unattended, the well must be covered securely to prevent contaminants from entering the casing and rendered secure against entry by children, vandals, domestic animals, and wildlife.

16.11 Above grade connections. An above grade connection into the top or side of a well casing shall be at least eighteen inches (18") above the land surface and shall be constructed so as to exclude dirt or other foreign matter by at least one of the following methods, as may be applicable:

- (A) Threaded connection;
- (B) Welded connection;
- (C) Expansion sealer;
- (D) Bolted flanges with rubber gaskets;

(E) Overlapping well cap; or

(F) If a water well pump is mounted or sealed on a concrete pedestal, the casing shall extend at least to the top of the pedestal and at least eighteen inches (18") above the land surface.

16.12 Pitless Connections. Pitless adapters and units shall be installed in accordance with the standards set forth in Subsection R655-4-11(11.7.5). Pitless adapters shall be installed below the frost line. A below-ground connection shall not be submerged in water at the time of installation. Holes cut in the casing through which the pitless adapters are installed must be sized and constructed so as to guarantee a watertight seal with the pitless adapter in place.

 prevention device shall be installed on the pump discharge line within the well or beyond the well to eliminate the opportunity for contaminated water to backflush into the well. Such device must be designed to direct or isolate the water flow to prevent water in the distribution line from running back down the well during removal or repair to the pump and pumping equipment. When a flow meter is installed on a well the meter must be located downstream from the backflow preventer and be placed in accordance with manufacturer spacing specifications.

16.14 Hand Pumps. Hand pumps shall be of the force type equipped with a packing gland around the pump rod, a delivery spout which is closed and downward directed, and a one piece bell type base which is part of the pump stand or is attached to the pump column in a watertight manner. The bell base of the pump shall be bolted with a gasket to a flange which is securely attached to the casing or pipe sleeve.

16.15 Pumping Water Level. In a screened or perforated well, the well pump setting and suction inlet shall be located so that the pumping level of the water cannot be drawn below the top of the screen.

16.16 Pump and Column/Drop Pipe Removal. During any repair or installation of a water well pump, the licensed installer shall make a reasonable effort to maintain the integrity of ground water and to prevent contamination by elevating the pump column and fittings, or by other means suitable under the circumstances.]

R655-4-1. Purpose, Scope, and Exclusions.

1.1 Purpose.

Under Subsection 73-2-1(4)(b), the state engineer, as the Director of the Utah Division of Water Rights, shall make rules regarding well construction and related regulated activities and the licensing of water well drillers and pump installers.

These rules are promulgated pursuant to Section 73-3-25. The purpose of these rules is to assist in the orderly development of underground water; insure that minimum construction standards are followed in the drilling, construction, deepening, repairing, renovating, cleaning, development, testing, disinfection, pump installation and repair, and abandonment of water wells and other regulated wells; prevent pollution of aquifers within the state; prevent wasting of water from flowing wells; obtain accurate records of well construction operations; and insure compliance with the state engineer's authority for appropriating water.

These rules also establish administrative procedures for applications, approvals, hearings, notices, revocations, orders and their judicial review, and other administrative procedures required or allowed by these rules. These rules shall be liberally construed to permit the Division to carry out the purposes of Utah law.

1.2 Scope.

The drilling, construction, deepening, repair, renovation, replacement, or abandonment of the following types of wells are regulated by these administrative rules and the work must be permitted by the Utah Division of Water Rights and completed by a licensed well driller. The cleaning, development, testing, and disinfection in the following types of wells are regulated by these administrative rules and the work must be completed by a licensed well driller or a licensed pump installer; however a permit is not required. Moreover, the installation and repair of pumps in the following types of wells are regulated by these administrative rules and the work must be completed by a licensed pump installer; however a permit is not required. Pursuant to Subsection 73-3-25(2)(a), a person conducting pump installation and repair work on their own well on their own property for their own use is exempt from these rules and is not required to have a pump installer's license.

These rules apply to both vertical, angle and horizontal wells if they fall within the scope of this section. These rules pertain only to work on or within the well itself. These rules do not regulate the incidental work beyond the well such as plumbing, electrical, and excavation work up to the well; and the building of well enclosures unless these activities directly impact or change the construction of the well itself. The process for an applicant to obtain approval to drill, construct, deepen, repair, renovate, clean, develop, abandon, or replace the non-production wells listed in Subsection R655-4-1(1.2.2) is outlined in Section R655-4-9 of these rules.

1.2.1 Water production wells at any depth including domestic wells, irrigation wells, stockwater wells, public supply wells, commercial wells, industrial wells, open-loop heat exchange wells, open-loop heat exchange injection wells, and rechargerecovery wells drilled under Title 73, Chapter 3b, Groundwater Recharge and Recovery Act. Diversion and beneficial use of groundwater from water production wells at any depth shall require approval through the appropriation procedures and policies of the state engineer and Title 73, Chapter 3.

1.2.2 Non-production wells completed to a depth greater than 30 feet including:

1.2.2.1 Cathodic protection wells.

1.2.2.2 Closed-loop Heat exchange wells that encounter formations containing groundwater.

1.2.2.3 Monitor, piezometer, and test wells designed to test and monitor water level, pressure, quality or quantity.

1.2.2.4 Other wells that can potentially interfere with established aquifers such as wells to monitor mass movement like inclinometers, facilitate horizontal utility placement, monitor manmade structures, house instrumentation to monitor structural performance, or dissipate hydraulic pressures like dewatering wells.

1.3 Exclusions.

The drilling, construction, deepening, repair, renovation, replacement, cleaning, development, pump installation and repair, or abandonment of the following types of wells or boreholes are excluded from regulation under this rule:

1.3.1 Any non-production wells described in Subsection R655-4-1(1.2.2) that are constructed to a final depth of 30 feet or less. 1.3.2 Geothermal wells with geothermal fluid temperatures greater than or equal to 120 degrees Celsius or 248 degrees Fahrenheit. Although not regulated under this rule, geothermal wells are subject to Section 73-22-1 "Utah Geothermal Resource Conservation Act" Utah Code Annotated and the rules promulgated by the state engineer including Rule R655-1, Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah. Moreover, those drilling and constructing geothermal wells must hold a current well driller's license in accordance with Sections R655-4-3 and R655-4-8.

1.3.2 Temporary exploratory wells drilled to obtain information on the subsurface strata on which an embankment or foundation is to be placed or an area proposed to be used as a potential source of material for construction.

1.3.3 Wells or boreholes drilled or constructed into nonwater bearing zones or which are 30 feet or less in depth for utilizing heat from the surrounding earth.

1.3.4 Geotechnical borings drilled to obtain lithologic data which are not installed for utilizing or monitoring groundwater, and which are properly sealed immediately after drilling and testing.

1.3.5 Oil, gas, and mineral exploration or production wells. These wells are subject to rules promulgated under the Division of Oil, Gas, and Mining of the Utah Department of Natural Resources. 1.3.6 Well setback or separation and water quality testing requirements are generally regulated at the local health department level or by another state agency.

R655-4-2. Definitions.

ABANDONED WELL - any well which is not in use and has been sealed or plugged with approved sealing materials so that it is made unproductive and shall prevent contamination of groundwater. A properly abandoned well will not produce water nor serve as a channel for movement of water from the well or between water bearing zones.

ADDRESS - the current residential or business address of a well driller as recorded in the Division's files.

ADJUDICATIVE PROCEEDING - means, for the purposes of this rule, an administrative action or proceeding initiated by the Division in conjunction with an Infraction Notice; or an administrative action or proceeding initiated in response to a well driller's appeal or a Cease and Desist Order or an appeal of a restriction or denial of a license renewal application.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) - a nationally recognized testing laboratory that certifies building products and adopts standards including those for steel and plastic (PVC) casing utilized in the well drilling industry. ANSI standards are often adopted for use by ASTM and AWWA. Current information on standards can be obtained from: ANSI, 1430 Broadway, New York, NY 10018 (ANSI.org).

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) - an independent organization concerned with the development of standards on characteristics and performance of materials, products and systems including those utilized in the well drilling industry. Information may be obtained from: ASTM, 1916 Race Street, Philadelphia, PA 19013 (ASTM.org).

AMERICAN WATER WORKS ASSOCIATION (AWWA) - an international association which publishes standards intended to represent a consensus of the water supply industry that the product or procedure described in the standard shall provide satisfactory service or results. Information may be obtained from: AWWA, 6666 West Ouincy Avenue, Denver CO 80235 (AWWA.org).

ANNULAR SPACE - the space between the outer well casing and the borehole or the space between two sets of casing.

AQUIFER - a porous underground formation yielding withdrawable water suitable for beneficial use.

ARTESIAN AQUIFER - a water bearing formation that contains underground water under sufficient pressure to rise above the zone of saturation.

ARTESIAN WELL - a well where the water level rises appreciably above the zone of saturation.

BACKFLOW PREVENTER - means a safety device, assembly, or construction practice used to prevent water pollution or contamination by preventing flow of a mixture of water or chemicals from the distribution piping into a water well or in the opposite direction of that intended. This includes check valves, foot valves, curb stops, or air gaps

BENTONITE - a highly plastic, highly absorbent, colloidal swelling clay composed largely of mineral sodium montmorillonite. Bentonite is commercially available in powdered, granular, tablet, pellet, or chip form which is hydrated with potable water and used for a variety of purposes including the stabilization of borehole walls during drilling, the control of potential or existing high fluid pressures encountered during drilling below a water table, well abandonment, and to provide a seal in the annular space between the well casing and borehole wall. BENTONITE GROUT - a mixture of bentonite and potable water specifically designed to seal and plug wells and boreholes mixed at manufacturer's specifications to a grout consistency which can be pumped through a pipe directly into the annular space of a well or used for abandonment. Its primary purpose is to seal the borehole or well to prevent the subsurface migration or communication of fluids.

CASH BOND - A type of well driller bond in the form of a certificate of deposit (CD) submitted and assigned to the state engineer by a licensed driller to satisfy the required bonding requirements.

CASING - a tubular retaining and sealing structure that is installed in the borehole to maintain the well opening.

CATHODIC PROTECTION WELL - a well constructed for installing deep anodes to minimize or prevent electrolytic corrosive action of metallic structures installed below ground surface, such as pipelines, transmission lines, well casings, storage tanks, or pilings.

CEASE AND DESIST ORDER - means an order issued by the state engineer comprised of a red tag placed on a well rig at the well drilling location and a letter to the driller requiring that all well drilling activity at the well drilling location cease until the order is lifted.

CLOSED-LOOP HEATING-COOLING EXCHANGE WELL - means the subsystem of a geothermal heat pump system that consists of the drilled vertical borehole into the earth that is equipped with a heat exchange media conveyance loop tube, and is grouted from the bottom of the vertical borehole to the earth's surface at the drilling site. Construction of a geothermal heat pump loop well includes, in continuous order, drilling of the vertical borehole, placement of the loop tube to the bottom of the vertical borehole with the grout tremie, and grouting of the vertical borehole from the bottom of the vertical borehole to the earth's surface at the drill site. Closed-loop systems circulate a heat transfer fluid, such as water or a mixture of water and food grade, non-toxic anti-freeze, to exchange heat with the subsurface geological environment.

<u>CONDUCTOR CASING</u> - means the temporary or permanent casing used in the upper portion of the well bore to prevent collapse of the formation during the construction of the well or to conduct the gravel pack to the perforated or screened areas in the casing.

<u>CONFINING UNIT - a geological layer either of</u> <u>unconsolidated material, usually clay or hardpan, or bedrock, usually</u> <u>shale, through which virtually no water moves.</u>

CONSOLIDATED FORMATION - bedrock consisting of sedimentary, igneous, or metamorphic rock such as shale, sandstone, limestone, quartzite, conglomerate, basalt, granite, or tuff.

DEFAULT ORDER - means an order issued by the Presiding Officer after a well driller fails to attend a hearing in a well driller adjudicative proceeding. A Default Order constitutes a Final Judgment and Order.

DEWATERING WELL - a water extraction well constructed for lowering the water table elevation, either temporarily or permanently, around a man-made structure or construction activity.

DISINFECTION - or disinfecting is the use of chlorine or other disinfecting agent or process approved by the state engineer, in sufficient concentration and contact time adequate to inactivate or eradicate bacteria such as coliform or other organisms.

DIVISION - means the Division of Water Rights. The terms Division and state engineer may be used interchangeably in this rule.

DRAWDOWN - the difference in elevation between the static water level and the pumping water level in a well.

DRILL RIG - any power-driven percussion, rotary, boring, coring, digging, jetting, or augering machine used in the construction of a well or borehole.

EMERGENCY SITUATION - any situation where immediate action is needed to protect life or property. Emergency status would also extend to any situation where life is not immediately threatened but action is needed immediately and it is not possible to contact the state engineer for approval. For example, it would be considered an emergency if a domestic well needed immediate repair over a weekend when the state engineer's offices are closed.

FILES - means information maintained in the Division's public records, which may include both paper and electronic information.

FINAL JUDGMENT AND ORDER - means a final decision issued by the Presiding Officer on the whole or a part of a well driller adjudicative proceeding. This definition includes "Default Orders."

GRAVEL PACKED WELL - a well in which filter material such as sand or gravel is placed in the annular space between the well intakes, such as screen or perforated casing, and the borehole wall to increase the effective diameter of the well and to prevent fine-grained sediments from entering the well.

<u>GROUNDWATER</u> - subsurface water in a zone of saturation.

GROUT - a fluid mixture of Portland cement or bentonite with water of a consistency that can be forced through a pipe and placed as required. Upon approval, various additives such as sand, bentonite, and hydrated lime may be included in the mixture to meet different requirements.

HEATING-COOLING EXCHANGE SYSTEM - also known as GeoExchange, ground source heat pump, geothermal heat pump, and ground-coupled heat pump; a heat pump that uses the earth itself as a heat source, for heating, and heat sink, for cooling. It is coupled to the ground by a closed-loop heat exchanger installed vertically underground or by physically pumping water from a well with an open-loop systems and utilizing the thermal properties of the water to heat or cool.

HYDRAULIC FRACTURING - the process whereby water or other fluid is pumped with sand under high pressure into a well to fracture and clean-out the rock surrounding the well bore thus increasing the flow to the well.

INFRACTION NOTICE - means a notice issued by the Division to the licensee informing the licensee of an alleged act or acts violating this rule and the infraction points that have been assessed against the licensee.

ISSUED - means a document executed by an authorized delegate of the state engineer or by the Presiding Officer, in the case of a Hearing Notice, Final Judgment and Order or other order related to a well driller adjudicative proceeding, and deposited in the mail.

LICENSE - means the express grant of permission or authority by the state engineer to carry on the activity of well drilling.

LICENSED PUMP INSTALLER - means a qualified individual who has obtained a license from the Division and who is engaged in the installation, removal, alteration, or repair of pumps and pumping equipment for compensation.

LOG - means an official document or report that describes where, when, and how a regulated well was drilled, constructed, deepened, repaired, renovated, cleaned, developed, tested, equipped with pumping equipment, or abandoned. A Log shall be submitted to the Division by a licensee on forms provided by the Division including a Well Driller's Report, Well Abandonment Report, or Pump Installer's Report.

MONITOR WELL - a well, as defined under "well" in this section, that is constructed for determining water levels, monitoring chemical, bacteriological, radiological, or other physical properties of ground water or vadose zone water.

NATIONAL SANITATION FOUNDATION (NSF) - a voluntary third party consensus standards and testing entity established under agreement with the U. S. Environmental Protection Agency (EPA) to develop testing and adopt standards and certification programs for all direct and indirect drinking water additives and products. Information may be obtained from: NSF, 3475 Plymouth Road, P O Box 1468, Ann Arbor, Michigan 48106 (NSF.org).

NEAT CEMENT GROUT -- cement, including types I, II, III, V, high-alumina, or a combination conforming to the ASTM C150-07 Standard Specification for Portland Cement, as incorporated by reference into this rule, or equivalent standard, with no more than six gallons of water per 94 pound sack, one cubic foot, of cement of sufficient weight density of not less than 15 lbs per gallon. One cubic yard of neat cement grout contains about 1993 pounds of Portland cement and not more than 127 gallons of clean water. Bentonite, controlled density fill, or fly ash shall not be added to neat cement grout unless state engineer approval is received.

NOMINAL SIZE - means the manufactured commercial designation of the diameter of a casing. An example would be casing with an outside diameter of 12 3/4 inches which may be nominally 12-inch casing by manufactured commercial designation.

OPEN-LOOP HEATING-COOLING EXCHANGE WELL - means a well system in which groundwater is extracted from a typical water production well and pumped through an above ground heat exchanger inside the heat pump system. Heat is either extracted or added by the primary refrigerant loop, which does not come into contact with the pumped water, and then the water is returned to the same aquifer by injection through the original extraction well or through a separate injection well.

OPERATOR - a drill rig operator or pump rig operator is an individual who works under the direct supervision of a licensed Utah Water Well Driller or Pump Installer and who can be left in responsible charge of regulated well drilling or pump installation or repair activity using equipment that is under the direct control of the licensee.

PARTY means the state engineer, an authorized delegate of the state engineer, the well driller, the pump installer, or the affected well owner.

<u>PIEZOMETER - a tube or pipe, open at the bottom in</u> groundwater, and sealed along its length, used to measure hydraulic head or water level in a geologic unit.

<u>PITLESS ADAPTER - a commercially manufactured</u> devise designed for attachment to a well casing which allows buried pump discharge from the well and allows access to the interior of the well casing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11(11.3.2) and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth or surface seal.

PITLESS UNIT - a factory-assembled device with cap that extends the upper end of a well casing to above-grade and is o constructed as to allow for buried pump discharge from the well and allows access to the interior of the well casing for installation or removal of the pump or pump appurtenances, while preventing contaminants from entering the well. Such devices protect the water and distribution lines from temperature extremes, permit extension of the casing above ground as required in Subsection R655-4-11(11.3.2) and allow access to the well, pump or system components within the well without exterior excavation or disruption of surrounding earth or surface seal.

<u>POLLUTION</u> - the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animals, vegetation, or property, or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any or reasonable purpose.

POTABLE WATER - water supplied for human consumption, sanitary use, or for the preparation of food or pharmaceutical products which is free from biological, chemical, physical, and radiological impurities.

PRESIDING OFFICER - means an authorized delegate of the state engineer who conducts a well driller adjudicative proceeding.

PRESSURE GROUTING - a process by which grout is confined within the drillhole or casing by the use of retaining plugs or packers and by which sufficient pressure is applied to drive the grout slurry into the annular space or zone to be grouted.

PRIVATE WATER PRODUCTION WELL - a privately owned well constructed to supply water for any purpose which has been approved by the state engineer, such as irrigation, stockwater, domestic, commercial, industrial wells.

PROBATION - A disciplinary action that may be taken by the state engineer that entails greater review and regulation of well drilling activities but which does not prohibit a well driller from engaging in the well drilling business or operating well drilling equipment.

PROVISIONAL WELL - authorization granted by the state engineer to drill under a pending, unapproved water right, change or exchange application; or for determining characteristics of an aquifer, or the existence of a usable groundwater source. Water from a provisional well cannot be put to beneficial use until the application has been approved.

PUBLIC WATER SYSTEM SUPPLY WELL - a well, either publicly or privately owned, providing water for human consumption and other domestic uses which has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year. Public Water System Supply Wells are also regulated by the Division of Drinking Water in the Utah Department of Environmental Quality found in Title R309.

PUMP-PUMPING EQUIPMENT - means any equipment or materials utilized or intended for use in withdrawing or obtaining groundwater for any use.

PUMP INSTALLATION OR REPAIR - means the procedure employed in the placement and preparation for operation of pumps and pumping equipment at the water well location, including all construction or repair involved in making entrance to the water well, which involves the breaking of the well seal.

<u>PUMPING WATER LEVEL</u> - the water level in a well after a period of pumping at a given rate.

RECORD - means the official collection of all written and electronic materials produced in a well driller adjudicative proceeding, including Infraction Notices, pleadings, motions, exhibits, orders and testimony produced during the adjudicative proceedings, as well as the files of the Division. RED TAG - is a component of a "CEASE AND DESIST ORDER" in the form of a red colored tag placed on a well at a well drilling location

REGISTRATION - means the express grant of permission or authority by the state engineer to carry on the activity of well drilling or pump installation under the supervision of a licensed well driller or pump installer.

REPAIRING, RENOVATING, AND DEEPENING means the deepening, hydrofracturing, re-casing, perforating, reperforating, installation of packers or seals, and any other material change in the design or construction of a well. Material changes include casing installation or modification including casing extensions, installation or modification of liner pipe, reaming or under reaming of the borehole, pitless unit installation or re-sealing.

<u>REVOCATION - A disciplinary action that may be taken</u> by the state engineer that rescinds the well driller's Utah Water Well <u>Driller's License</u>

SAND - a material having a prevalent grain size ranging from two millimeters to 0.06 millimeters.

SAND CEMENT GROUT - a grout consisting of equal parts by volume of cement conforming to ASTM C150-07, or equivalent standard, and clean sand or aggregate with no more than six gallons of water per 94 pound sack, one cubic foot, of cement.

SHALLOW WATER WELL - a horizontal or vertical excavation or opening into the ground at a depth of 30 feet or less made by digging, boring, excavating, drilling, jetting, augering, or driving or any other artificial method and left cased or open for pumping and utilizing adjacent shallow groundwater.

SHALLOW WATER WELL CONSTRUCTOR - any person who is licensed by the state engineer to construct and equip shallow water wells for compensation or otherwise. The licensed shallow water well constructor has total responsibility for the construction and equipping work in progress at the well drilling site.

STANDARD DIMENSION RATIO (SDR) - the ratio of average outside pipe diameter to minimum pipe wall thickness.

STATE ENGINEER - the director of the Utah Division of Water Rights or any employee of the Division of Water Rights designated by the state engineer to act in administering this rule. The terms Division and state engineer may be used interchangeably in this rule.

STATIC LEVEL - stabilized water level in a non-pumped well beyond the area of influence of any pumping well.

SURETY BOND - an indemnity agreement in a sum certain and payable to the state engineer, executed by the licensee as principal and which is supported by the guarantee of a corporation authorized to transact business as a surety in the state of Utah.

SUSPENSION - A disciplinary action that may be taken by the state engineer that prohibits the well driller from engaging in the well drilling business or operating well drilling equipment as a registered operator for a definite period or until certain conditions are met.

TEST WELL - authorization granted by the state engineer to drill under a non-production well approval for determining characteristics of an aquifer, or the existence of a usable groundwater source. Water from a test well cannot be put to beneficial use.

TREMIE PIPE - a device that carries materials such as seal material, gravel pack, or formation stabilizer to a designated depth in a drill hole or annular space.

<u>UNCONSOLIDATED FORMATION - loose, soft,</u> incoherent rock material composed of sedimentary, igneous, or metamorphic rock which includes sand, gravel, and mixtures of sand and gravel. These formations are widely distributed and can have good water storage and transmissivity characteristics.

UNHYDRATED BENTONITE - dry bentonite consisting primarily of granules, tablets, pellets, or chips that may be placed in a well or borehole in the dry state and hydrated in place by either formation water or by the addition of potable water into the well or borehole containing the dry bentonite. Unhydrated bentonite can be used for sealing and abandonment of wells.

VADOSE ZONE - the zone containing water under less than atmospheric pressure, including soil water, intermediate vadose water and capillary water. The zone extends from land surface to the zone of saturation or water table.

WATERTIGHT - a condition that does not allow the entrance, passage, or flow of water under normal operating conditions.

WELL - a horizontal or vertical excavation or opening into the ground made by digging, boring, drilling, jetting, augering, or driving or any other artificial method and left cased or open for utilizing or monitoring underground waters.

WELL DRILLER - any person who is licensed by the state engineer to construct water wells for compensation or otherwise. The licensed driller has total responsibility for the construction work in progress at the well drilling site.

WELL DRILLER BOND - A financial guarantee to the state engineer, in the form of a surety bond or cash bond, by which a licensee binds to pay the penal sum of \$5,000 to the state engineer in the event of significant noncompliance with this rule.

WELL DRILLING - the act of drilling, constructing, deepening, replacing, repairing, renovating, cleaning, developing, or abandoning a well.

R655-4-3. Licenses and Registrations.

3.1 General.

3.1.1 Section 73-3-25 requires every person that drills, constructs, deepens, repairs, renovates, cleans, develops, tests, disinfects, installs or repairs pumps, and abandons a regulated well in the state to obtain a license from the state engineer. Licenses and registrations are not transferable. Applicants for well driller or pump installer licensure must meet all requirements in this subsection, and applicants cannot obtain a Utah license through reciprocity or comity with a similar license from other states or organizations.

3.1.2 Any person found to be performing regulated well activity without a valid license or operator's registration will be ordered to cease and desist by the state engineer. The order may be made verbally but must also be followed by a written order. The order may be posted at an unattended well drilling site. A person found performing regulated well activities without a license will be subject to the state engineer's enforcement powers under Section 73-2-25 and Rule R655-14, and subject to criminal prosecution under Section 73-3-26.

3.2 Well Driller's License.

A Utah Well Driller's License allows an individual to perform regulated well activity including drilling, construction, deepening, repairing, renovating, cleaning, development, testing, disinfection, pump installation or repair, and abandonment of water wells and other regulated wells. An applicant must meet the following requirements to become licensed as a Utah Water Well Driller:

3.2.1 Applicants must be 21 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104.

Applicants must file a Division Lawful Presence Affidavit with the license application;

3.2.2 Complete and submit the application form provided by the state engineer.

3.2.3 Pay the application fee approved by the state legislature.

3.2.4 Provide documentation of experience according to the following standards:

3.2.4.1 Water well drillers shall provide documentation of at least two years of full time water well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing OR documentation of 16 applicable wells constructed by the applicant under the supervision of a licensed well driller in good standing.

3.2.4.2 Monitor well drillers shall provide documentation of at least two years of full time monitor well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing OR documentation of 32 wells constructed by the applicant under the supervision of a licensed well driller in good standing.

3.2.4.3 Heating-cooling exchange and other nonproduction well drillers must provide documentation of at least six months of full time well drilling experience utilizing the applied for drilling methods with a licensed driller in good standing AND documentation of 16 well drilling projects constructed by the applicant under the supervision of a licensed well driller in good standing.

3.2.4.4 A copy of the well log for each well constructed must be provided. The documentation must also show the applicant's experience with each type of drilling rig to be listed on the license. Acceptable documentation will include registration with the Division of Water Rights, letters from licensed well drillers from Utah or other states, or a water well drilling license granted by another state.

3.2.4.5 Successful completion of training or education pertaining to well drilling, geology, map reading, and other related subjects may be substituted for up to, but not exceeding, 25% of the required drilling experience, and for up to, but not exceeding, 25% of the required drilled wells or well drilling projects. The state engineer will determine the number of months of drilling experience and the number of drilled wells that will be credited for the classroom study.

3.2.4.6 A limited or restricted license can be obtained in subcategories of activity including well cleaning, well renovation, well abandonment, and well development or testing. Testing requirements for these license subcategories will be reduced or limited in accordance with the level of activity.

3.2.5 File a well driller bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The well driller bond must be filed under the conditions and criteria described in Subsection R655-4-3(3.9).

3.2.6 Obtain a score of at least 70% on each of the written licensing examinations required and administered by the state engineer. The required examinations test the applicant's knowledge of:

a. Rule R655-4 and Utah water law as it pertains to underground water;

b. The minimum construction standards established by the state engineer for water well construction;

c. Geologic formations and proper names used in describing underground material types;

d. Reading maps and locating points from descriptions based on section, township, and range;

e. Groundwater geology and the occurrence and movement of groundwater;

f. The proper operating procedures and construction methods associated with the various types of water well drilling rigs. A separate test is required for each type of water well drilling rig to be listed on the license.

3.2.7 Demonstrate proficiency in resolving problem situations that might be encountered during the construction of a water well by passing an oral examination administered by the state engineer.

3.3 Drill Rig Operator's Registration.

A registered drill rig operator can oversee a site where regulated well activity is taking place if a licensed driller is not onsite. A registered drill rig operator must always be affiliated with a licensed driller. An applicant must meet the following requirements to become registered as a drill rig operator:

3.3.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104. Applicants must file a Division Lawful Presence Affidavit with the operator application.

3.3.2 Complete and submit the application form provided by the state engineer.

3.3.3 Pay the application fee approved by the state legislature.

3.3.4 Provide documentation of at least six months of water well drilling experience with a licensed driller in good standing. The documentation must show the applicant's experience with each type of drilling rig to be listed on the registration. Acceptable documentation will include letters from licensed well drillers or registration as an operator in another state.

3.3.5 Obtain a score of at least 80% on a written examination of the minimum construction standards established by the state engineer for water well construction. The test will be provided to the licensed well driller by the state engineer. The licensed well driller will administer the test to the prospective operator and return it to the state engineer for scoring.

3.4 Pump Installer's License.

A Utah Pump Installer's License allows an individual to perform regulated pump activity including pump removal, installation, and repair in water wells and other regulated wells. A licensed pump installer can also clean, develop, pump test, and disinfect a regulated well. An individual, which does not include entities such as businesses, corporations, governments, water systems, and municipalities, can perform pump installation and repair work on their own well on their own property without obtaining a pump installer's license. An applicant must meet the following requirements to become licensed as a Utah Pump Installer:

3.4.1 Applicants must be 21 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104. Applicants must file a Division Lawful Presence Affidavit with the license application.

<u>3.4.2 Complete and submit the application form provided</u> by the state engineer.

<u>3.4.3 Pay the application fee approved by the state legislature.</u>

3.4.4 Provide documentation of experience of at least two years of full time water well pump installation and repair experience with a driller or pump installer in good standing

<u>3.4.4.</u> The documentation must show the applicant's experience with each type of pump rig to be listed on the license.

Acceptable documentation will include registration with the Division of Water Rights, reference letters from licensed well drillers or pump installers from Utah or other states, or a license granted by another state.

3.4.4.5 Successful completion of training or education in pump installation or repair and other related subjects may be substituted for up to, but not exceeding, 25% of the required pump experience. The state engineer will determine the number of months of drilling experience that will be credited for the classroom study.

3.4.5 File a pump installer bond in the sum of \$5,000 with the Division of Water Rights payable to the state engineer. The bond must be filed under the conditions and criteria described in Subsection R655-4-3(3.9).

3.4.6 Obtain a score of at least 70% on each of the written licensing examinations required and administered by the state engineer. The required examinations test the applicant's knowledge of:

a. Rule R655-4 and Utah water law as it pertains to underground water;

b. The minimum construction standards established by the state engineer pertaining to pump installation and repair;

c. Groundwater protection procedures and standards applicable to pump installation and repair work on wells;

d. The proper operating procedures and methods associated with pump installation and repair.

3.4.7 Demonstrate proficiency in resolving problem situations that might be encountered during pump installation and repair of a water well by passing an oral examination administered by the state engineer.

3.5 Pump Rig Operator's Registration.

A registered pump rig operator can oversee a site where regulated pump activity is taking place if a licensed pump installer is not onsite. A registered pump rig operator must always be affiliated with a licensed pump installer. An applicant must meet the following requirements to become registered as a pump rig operator:

3.5.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104. Applicants must file a Division Lawful Presence Affidavit with the license application.

3.5.2 Complete and submit the application form provided by the state engineer.

<u>3.5.3</u> Pay the application fee approved by the state legislature.

3.5.4 Provide documentation of at least six months of pump installation and repair experience with a licensed driller or pump installer in good standing. Acceptable documentation will include letters from licensed well drillers or registration as an operator in another state.

3.5.5 Obtain a score of at least 80% on a written examination of the minimum construction standards established by the state engineer for pump installation and repair. The test will be provided to the licensed pump installer or well driller by the state engineer. The licensed pump installer or well driller will administer the test to the prospective operator and return it to the state engineer for scoring.

3.6 Shallow Water Well Constructor's License.

A shallow water well constructor's license is a combined category of a well driller's license and pump installer's license. A shallow water well constructor's license allows an individual to perform regulated well and pump activity on water production wells that are at depths of 30 feet or less including drilling, construction,

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deepening, repairing, renovating, cleaning, development, testing, pump work, disinfection, and abandonment of shallow water wells. An applicant must meet the following requirements to become licensed as a shallow water well constructor:

3.6.1 Applicants must be 18 years of age or older and be a citizen of the United States, or be lawfully entitled to remain and work in the United States in accordance with Section 63G-11-104. Applicants must file a Division Lawful Presence Affidavit with the license application;

3.6.2 Complete and submit the application form provided by the state engineer.

<u>3.6.3</u> Pay the application fee approved by the state legislature.

3.6.4 Provide documentation of experience constructing shallow water wells.

<u>3.6.6 Obtain a score of at least 70% on the written licensing</u> examination required and administered by the state engineer. The required examination tests the applicant's knowledge of:

a. Rule R655-4 and Utah water law as it pertains to underground water;

b. The minimum construction standards established by the state engineer for shallow water well construction;

3.7 Conditional, Restricted, or Limited Licenses.

The state engineer may issue a restricted, conditional, or limited license to an applicant based on drilling experience.

3.8 Refusal to Issue a License or Registration.

The state engineer may, upon investigation and after a hearing, refuse to issue a license or a registration to an applicant if it appears the applicant has not had sufficient training or experience to qualify as a competent well driller, pump installer, or operator.

3.9 Falsified Applications.

The state engineer may, upon investigation and after a hearing, revoke a license or a registration in accordance with Subsection R655-4-5(5.6) if it is determined that the original application contained false or misleading information.

3.10 Well Driller or Pump Installer Bond.

3.10.1 General

3.10.1.1. To become licensed and to continue licensure, well drillers and pump installers must file a bond in the form of a surety bond or cash bond, approved by the state engineer, in the sum of \$5,000 with the Division of Water Rights, on a form provided by the Division, which is conditioned upon proper compliance with the law and this rule and which is effective for the licensing period in which the license is to be issued. The bond shall stipulate the obligee as the "Office of the state engineer". The bond is penal in nature and is designed to ensure compliance by the licensed well driller or pump installer to protect the groundwater resource, the environment, and public health and safety. The bond may only be exacted by the state engineer for the purposes of investigating, repairing, or abandoning wells in accordance with this rule. No other person or entity may initiate a claim against the bond. Lack of a current and valid bond shall be deemed sufficient grounds for denial or discontinuation of a driller's or pump installer's license. The well driller or pump installer bond may consist of a surety bond or a cash bond.

<u>3.10.1.2.</u> Bonding is not required for a shallow water well constructor's license.

3.10.2 Surety Bonds.

3.10.2.1. The licensee and a surety company or corporation authorized to do business in the state of Utah as surety shall bind themselves and their successors and assigns jointly and severally to the state engineer for the use and benefit of the public in full penal sum of \$5,000. The surety bond shall specifically cover the licensee's compliance with Rule R655-4. Forfeiture of the surety bond shall be predicated upon a failure to drill, construct, repair, renovate, deepen, clean, develop, test, disinfect, perform pump work, or abandon a regulated well in accordance with this rule. The bond shall be made payable to the 'Utah State Engineer' upon forfeiture. The surety bond must be effective and exactable in the state of Utah.

3.10.2.2. The bond and any subsequent renewal certificate shall specifically identify the licensed individual covered by the bond. Company names may be included on the bond, but the licensed driller name must be included. The licensee shall notify the state engineer of any change in the amount or status of the bond. The licensee shall notify the state engineer of any cancellation or change at least 30 days from the effective date of such cancellation or change. From to the expiration of the 30-day notice of cancellation, the licensee shall deliver to the state engineer a replacement surety bond or transfer to a cash bond. If such a bond is not delivered, all activities covered by the license and bond shall cease at the expiration of the 30 day period. Termination shall not relieve the licensee or surety of any liability for incidences that occurred during the time the bond was in force.

3.10.2.3. Before the bond is forfeited by the licensee and exacted by the state engineer, the licensee shall have the option of resolving the noncompliance to standard either by personally doing the work or by paying to have another licensed driller do the work. If the licensee chooses not to resolve the problem that resulted in noncompliance, the entire bond amount of \$5,000 shall be forfeited by the surety and expended by the state engineer to investigate, repair or abandon the wells in accordance with Rule R655-4 Any excess there from shall be retained by the state engineer and expended for investigating, repairing, or abandoning wells in accordance with this rule. All claims initiated by the state engineer against the surety bond will be made in writing.

3.10.2.4. The bond of a surety company that has failed, refused or unduly delayed to pay, in full, on a forfeited bond is not approvable.

3.10.3 Cash Bonds.

3.10.3.1. The requirements for the well driller or pump installer bond may alternatively be satisfied by a cash bond in the form of a certificate of deposit (CD) for the amount of \$5,000 issued by a federally insured bank or credit union with an office in Utah. The cash bond must be in the form of a CD. Cash, savings accounts, checking accounts, or letters of credit, are not acceptable cash bonds. The CD shall specifically identify the licensed individual covered by that fund. The CD shall be automatically renewable and fully assignable to the state engineer. CD shall state on its face that it is automatically renewable.

3.10.3.2. The cash bond shall specifically cover the licensee's compliance with well drilling requirements found in Rule R655-4. The CD shall be made payable or assigned to the state engineer and placed in the possession of the state engineer. If assigned, the state engineer shall require the bank or credit union issuing the CD to waive all rights of setoff or liens against those CD. The CD, if a negotiable instrument, shall be placed in the state engineer's possession. If the CD is not a negotiable instrument, the CD and a withdrawal receipt, endorsed by the licensee, shall be placed in the state engineer's possession.

3.10.3.3. The licensee shall submit CDs in such a manner that will allow the state engineer to liquidate the CD prior to maturity, upon forfeiture, for the full amount without penalty to the state engineer. Any interest accruing on a CD shall be for the benefit of the licensee. 3.10.3.4. The period of liability for a cash bond is five years after the expiration, suspension, or revocation of the license. The cash bond will be held by the state engineer until the five year period is over, then it will be relinquished to the licensed driller. If a cash bond is replaced by a surety bond, the period of liability, during which time the cash bond will be held by the state engineer, shall be five years from the date the new surety bond becomes effective.

3.10.4 Exacting a Well Driller or Pump Installer Bond.

3.10.4.1. If the state engineer determines, following an investigation and a hearing in accordance with the process defined in Sections R655-4-5, R655-4-6, and R655-4-7, that the licensee has failed to comply with Rule R655-4 and refused to remedy the noncompliance, the state engineer may suspend or revoke a license and fully exact the well driller bond and deposit the money as a non-lapsing dedicated credit.

3.10.4.2. The state engineer may expend the funds derived from the bond to investigate or correct any deficiencies which could adversely affect the public interest resulting from noncompliance with this rule by any well driller or pump installer.

3.10.4.3. The state engineer shall send written notification by certified mail, return receipt requested, to the licensee and the surety on the bond, if applicable, informing them of the determination to exact the well driller bond. The state engineer's decision regarding the noncompliance will be attached to the notification which will provide facts and justification for bond exaction. In the case of a surety bond exaction, the surety company will then forfeit the total bond amount to the state engineer. In the case of a cash bond, the state engineer will cash out the CD. The exacted well driller bond funds may then be used by the state engineer to cover the costs of well investigation, repair, or abandonment.

<u>R655-4-4. Administrative Requirements and General</u> <u>Procedures.</u>

4.1 Authorization to Drill or Conduct Regulated Activity.

The well driller and shallow well constructor shall make certain that a valid authorization or approval to drill exists before engaging in regulated well drilling activity. Authorization to drill shall consist of a valid 'Start Card' based on any of the approvals listed in this subsection. Subsections R655-4-4(4.1.1) through R655-4-4(4.1.12) allow the applicant to contract with a well driller to drill, construct, deepen, replace, repair, renovate, or abandon exactly one well at each location listed on the Start Card or approval form. The drilling of multiple borings or wells at an approved location or point of diversion is not allowed without authorization from the state engineer's office. Most Start Cards list the date when the authorization to drill expires. If the expiration date has passed, the Start Card and authorization to engage in regulated drilling activity is no longer valid. If there is no expiration date on the Start Card, the driller must contact the state engineer's office to determine if the authorization to drill is still valid. When the work is completed, the permission to drill is terminated. Preauthorization or pre-approval of pump installation or repair work, well cleaning, development, testing, and disinfection is not required. A well renovation permit is required if an existing well is to be modified by activities such as deepening, casing-seal-gravel pack repair or renovation, liner installation, pitless adapter or unit installation, casing perforating, and screen installation. A well renovation permit is not required if the well is not modified by activities such as cleaning, development, testing, disinfection, and pump work.

4.1.1 An approved application to appropriate.

4.1.2 A provisional well approval letter ,also known as a Rush Letter Approval.

An approved provisional well letter grants authority to drill but allows only enough water to be diverted to determine the characteristics of an aquifer or the existence of a usable groundwater source.

4.1.3 An approved permanent change application.

4.1.4 An approved exchange application.

4.1.5 An approved temporary change application.

<u>4.1.6 An approved application to renovate or deepen an</u> existing well.

4.1.7 An approved application to replace an existing well. 4.1.8 An approved monitor well letter.

An approved monitor well letter grants authority to drill but allows only enough water to be diverted to monitor groundwater.

4.1.9 An approved heat exchange well letter.

4.1.10 An approved cathodic protection well letter.

4.1.11 An approved non-production well construction application.

4.1.12 Any letter or document from the state engineer directing or authorizing a well to be drilled or work to be done on a well.

4.2 Start Cards.

4.2.1 Before commencing work to drill, construct, deepen, replace, repair, renovate, clean, or develop any well governed by this rule, the well driller or shallow well constructor must notify the state engineer of that intention by sending the information on the "Start Card" to the state engineer by the online Start Card submittal system, telephone, by fax, by hand delivery, or by email with completed Start Card scanned and attached. If using the telephone, leaving a voice mail is an acceptable notification. Thereafter, a completed original Start Card must be sent to the state engineer by the licensee after it has been telephoned in, including voice mail. A completed original Start Card does not need to be sent to the state engineer by the licensee after it has been submitted online, faxed or emailed. A copy of the Start Card should be kept at the drill site at all times regulated activity is being conducted.

4.2.2 A specific Start Card is printed for each well drilling approval and is furnished by the state engineer to the applicant or the well owner. The Start Card is preprinted with the water right or nonproduction well number, owner name and address, and the approved location of the well. The state engineer marks the approved well drilling activity on the card. If a Start Card is stamped with 'Special Conditions', the licensee shall contact the state engineer's office to determine what the special drilling conditions or limitations are; then implement them in the drilling and construction of the well. The licensee must put the following information on the card:

a. The date on which work on the well will start;

b. The projected completion date of the work;

c. The well driller's license number;

d. The licensed well driller's signature.

4.2.3 When a single authorization is given to drill wells at more than one point of diversion, a Start Card shall be submitted for each location to be drilled.

4.2.4 Following the submittal of a Start Card, if the actual start date of the drilling activity is postponed beyond the date identified on the Start Card, the licensed driller must notify the state engineer of the new start date.

4.2.5 A Start Card is not required to abandon a well. However, before commencing well abandonment work, the driller shall notify the state engineer by telephone, by facsimile, or by email of the proposed abandonment work. The notice must include the location of the well. The notice should also include the water right or non-production well number associated with the well and the well owner if that information is available.

4.2.6 A Start Card or pre-notification is not required to perform pump installation and repair work on a well.

4.3 General Requirements During Construction.

4.3.1 The well driller or pump installer shall have the required penal bond continually in effect during the term of the license; otherwise the license will become inactive.

4.3.2 The well driller's or pump installer's license number or company name exactly as shown on the license must be prominently displayed on each well drilling rig or pump rig operated under the license. If the company name is changed the licensee must immediately inform the state engineer of the change in writing.

4.3.3 A licensed well driller or a registered drill rig operator must be at the well site when the following aspects of well construction are in process: advancing the borehole, setting casing and screen, placing a filter pack, constructing a surface seal, or similar activities involved with well deepening, renovation, repair, cleaning, developing, testing, disinfecting, capping, pitless installation, or abandoning. All registered drill rig operators working under a well driller's license must be employees of the well driller and must use equipment either owned by or leased by the licensed well driller.

4.3.3.1 A licensed pump installer or a registered pump rig operator must be at the well site when the following aspects of pump work are in process: pump removal, pump installation, modification to the well head including capping, sealing, and pitless adapter or unit installation, or similar activities on and within the well involving pump installation or repair. Inasmuch as a licensed pump installer is allowed to clean, develop, test, and disinfect a regulated well, these activities must be performed in the presence of a licensed pump installer or registered pump rig operator. All registered pump rig operators working under a pump installer's license must be employees of the pump installer and must use equipment either owned by or leased by the licensed pump installer.

4.3.3.2 A registered drill rig operator who is left in responsible charge of advancing the borehole, setting casing and screen, placing a filter pack, constructing a surface seal, or similar activities involved with well deepening, renovation, repair, cleaning, developing, testing, disinfecting, capping, pitless installation, or abandoning must have a working knowledge of the minimum construction standards and the proper operation of the drilling rig. The licensed well driller is responsible to ensure that a registered operator is adequately trained to meet these requirements.

4.3.3.3 A registered pump rig operator who is left in responsible charge of pump installation or repair must have a working knowledge of the minimum construction standards and the proper operation of the pump rig. The licensed well driller or pump installer is responsible to ensure that a registered operator is adequately trained to meet these requirements.

4.3.4 State engineer provisions for issuing cease and desist orders, also known as Red Tags

4.3.4.1 Construction Standards: The state engineer or staff of the Division of Water Rights may order that regulated work on a well cease if a field inspection reveals that the construction does not meet the minimum construction standards to the extent that the public interest might be adversely affected.

4.3.4.2 Licensed Drilling Method: A cease work order may also be issued if the well driller is not licensed for the drilling method being used for the well construction.

4.3.4.3 Incompetent Registered Operator: If, during a field inspection by the staff of the Division of Water Rights, it is determined that a registered operator in responsible charge does not meet these requirements, a state engineer's red tag, in accordance with Subsection R655-4-3(3.4), shall be placed on the drilling rig or pump rig and the drilling or pump operation shall be ordered to shut down. The order to cease work shall remain effective until a qualified person is available to perform the work.

4.3.4.4 No licensee or registered operator on site: If, during a field inspection by the staff of the Division of Water Rights, it is determined that neither a licensee or registered operator are one site when regulated well activity is occurring, the state engineer may order regulated well work to cease.

4.3.4.5 General: The state engineer's order shall be in the form of a red tag which shall be attached to the drilling rig or pump rig. A letter from the state engineer shall be sent to the licensee to explain the sections of this rule that were violated. The letter shall also explain the requirements that must be met before the order can be lifted.

4.3.4.6 A licensee may appeal a Cease and Desist order by: 4.3.4.6.1 submitting to the Division a written statement clearly and concisely stating the specific disputed facts, the supporting facts, and the relief sought; or

4.3.4.6.2 requesting a hearing on the issue according to Section R655-4-7.

4.3.4.7 A Cease and Desist Order shall remain in force during the pendency of the appeal.

4.3.5 When required by the state engineer, the well driller or registered operator shall take lithologic samples at the specified intervals and submit them in the bags provided by the state engineer.

4.3.6 A copy of the effective Rule R655-4 should be available at each well construction site for review by the construction personnel. Licensed well drillers or pump installers and registered operators must have proof of licensure or registration with them on site during regulated well activity.

4.3.7 Before starting construction of a new well, the licensed driller shall investigate and become familiar with the drilling conditions, geology of potential aquifers and overlying materials, anticipated water quality problems, and know contaminated water bearing zones that may be encountered in the area of the proposed drilling activity.

4.4 Removing Drill Rig from Well Site.

4.4.1 A well driller shall not remove the drill rig from a well site unless the well drilling activity is properly completed or abandoned in accordance with the construction standards in Sections R655-4-9 through R655-4-12.

4.4.2 For this rule, the regulated work on a well will be considered completed when the well driller removes the drilling rig from the well site. The regulated pump work on a well will be considered completed when the pump installer removes the pump rig from the well site.

4.4.3 The well driller may request a variance from the state engineer to remove a drill rig from a well before completion or abandonment. This request must be in written form to the state engineer. The written request must provide justification for leaving the well incomplete or un-abandoned and show how the well will be temporarily abandoned as provided in Section R655-4-14 and must give the date when the well driller plans to continue work to either complete the well or permanently abandon it.

4.5 Official Well Driller's Report, also known as a well log.

4.5.1 Within 30 days of the completion of regulated work on any well, the licensee shall file an official well log with the state engineer. The blank well log form will be mailed to the licensee upon receipt of the information on the Start Card as described in Subsection R655-4-4(4.2).

4.5.2 The water right number or non-production well number, owner name and address, and the approved location of the well will be preprinted on the blank well log provided to the well driller. The driller shall verify this information and make any necessary changes on the well log before submittal. The state engineer will mark the approved activity, such as new, replace, repair, deepen, on the well log. The driller must provide the following information on the well log:

a. The start and completion date of work on the well;

b. The nature of use for the well such as domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, or heat pump;

c. The borehole diameter, depth interval, drilling method and drilling fluids utilized to drill the well;

d. The lithologic log of the well based on strata samples taken from the borehole as drilling progresses;

e. Static water level information to include date of measurement, static level, measurement method, reference point, artesian flow and pressure, and water temperature;

f. The size, type, description, joint type, and depth intervals of casing, screen, and perforations;

g. A description of the filter pack, surface and interval seal material, and packers used in the well along with necessary related information such as the depth interval, quantity, and mix ratio;

h. A description of the finished wellhead configuration;

i. The date and method of well development;

j. The date, method, yield, drawdown, and elapsed time of a well yield test;

k. A description of pumping equipment, if available;

Other comments pertinent to the well activity completed;
 m. The well driller's statement to include the driller name,
license number, signature, and date.

4.5.3 Accuracy and completeness of the submitted well log are required. Of particular importance is the lithologic section that should accurately reflect the geologic strata penetrated during the drilling process. Sample identification must be logged in the field as the borehole advances and the information transferred to the well log form for submission to the state engineer.

4.5.4 An amended well log shall be submitted by the licensee if it becomes known that the original report contained inaccurate or incorrect information, or if the original report requires supplemental data or information. Any amended well log must be accompanied by a written statement, signed and dated by the licensee, attesting to the circumstances and the reasons for submitting the amended well log.

4.6 Official Well Abandonment Reports, Also Known as Abandonment Logs.

4.6.1 When a well driller is contracted to replace an existing well under state engineer's approval, it shall be the responsibility of the well driller to inform the well owner that it is required by law to permanently abandon the old well in accordance with Section R655-4-14.

4.6.2 Within 30 days of the completion of abandonment work on any well, the driller shall file an abandonment log with the state engineer. The blank abandonment log will be mailed to the licensed well driller upon notice to the state engineer of the start of abandonment work as described in Subsection R655-4-4(4.2.5).

4.6.3 The water right number or non-production well number, owner name and address, and the well location ,if available, will be preprinted on the blank abandonment log provided to the well driller. The driller shall verify this information and make any necessary changes on the abandonment log before submitting the log. The driller must provide the following information on the abandonment log:

a. Existing well construction information;

b. Date of abandonment;

c. Reason for abandonment;

d. A description of the abandonment method;

e. A description of the abandonment materials including depth intervals, material type, quantity, and mix ratio;

f. Replacement well information , if applicable,;

g. The well driller's statement to include the driller name, license number, signature, and date.

4.6.4 When a well is replaced and the well owner will not allow the driller to abandon the existing well, the driller must briefly explain the situation on the abandonment form and submit the form to the state engineer within 30 days of completion of the replacement well.

4.7 Official Pump Installation Report, Also Known as a Pump Log.

4.7.1 Soon after the completion of regulated pump work on any well, the licensee shall file an official pump log with the state engineer. If well disinfection is the only activity on a well, a pump log need not be filed with the state engineer. Blank pump log forms will be available to the licensee at any Division office, requested by mail, or downloaded from the Division's website (www.waterrights.utah.gov).

4.7.2 Pertinent information to be included on the pump log by the licensee shall consist of:

a. the water right number or non-production well number;
 b. the well owner name and address;

<u>U. the went owner flame and address</u>

c. the approved point of diversion or location of the well;

d. the start and completion date of work on the well;

e. the nature of use for the well such as domestic, irrigation, stock watering, commercial, municipal, provisional, monitor, cathodic protection, and heat pump;

f. pertinent well details including casing diameters and depths, total well depth, well intake depth intervals, wellhead configuration including pitless adapter or unit configuration if applicable;

g. a detailed description of pump-related work performed on or in the well including pump setting depth, pump type, pumping rate, valving, drop piping, jointing, capping, testing, sealing, disinfection, and pitless adapter or unit installation; and

h. static water level information to include date of measurement, static level, measurement method, reference point, artesian flow and pressure, and water temperature;

i. a description of the finished wellhead configuration;

j. the date, method, yield, drawdown, and elapsed time of a well yield test;

k. other comments pertinent to the well activity completed; and

m. the pump installer's statement to include the licensee name, license number, signature, and date.

4.8 Incomplete or Incorrectly Completed Reports.

An incomplete log or a log that has not been completed correctly will be returned to the licensee to be completed or corrected. The log will not be considered filed with the state engineer until it is complete and correct.

4.8 Extensions of Time.

The well driller may request an extension of time for filing the well log if there are circumstances that prevent the driller from obtaining the necessary information before the expiration of the 30 days. The extension request must be submitted in writing before the end of the 30-day period.

4.9 Late Well Logs - Lapsed License

All outstanding well logs or abandonment logs shall be properly submitted to the state engineer before the lapsing of a license. A person with a lapsed license who has failed to submit all logs within 90 days of lapsing will be subject to the state engineer's enforcement powers under Section 73-2-25 and Rule R655-14.

R655-4-5. Administrative Rule Infractions.

5.1 List of Infractions and Points.

Licensed well drillers who commit the infractions listed in Table 1 shall have assessed against their well drilling record the number of points assigned to the infraction.

TABLE 1		
Level I Infractions of Administrative Requirem	nents	
Infraction	Points	
Well log submitted late	10	
Failure to submit a Pump Log	10	
Well abandonment report submitted late	10	
License number or company name not clearly	<u>10</u>	
posted on well drilling rig or pump rig	10	
Failing to notify the state engineer of a change in the well licensee's company name	<u>10</u>	
Failure to properly notify the state engineer before	20	
the proposed start date shown on the Start Card		
Failure to properly notify the state engineer before	<u>20</u>	
the abandonment of a regulated well		
Failure to notify the state engineer of a change of	<u>50</u>	
start date		
Constructing a replacement well further than 150 ft	<u>50</u>	
from the original well without the authorization of		
an approved change application		
Failure to drill at the state engineer-approved	<u>50</u>	
location as identified on the Start Card		
Removing the well drilling rig from the well site	<u>50</u>	
before completing the well or temporarily or		
permanently abandoning the well		

TABLE 2	
Level II Infractions of Administrative Require	ements
Infraction	<u>Points</u>
Employing an operator who is not registered with	<u>75</u>
the state	
Contracting out work to an unlicensed driller, using	<u>75</u>
the unlicensed driller's rig, without written approval	
from the state	
Performing any well drilling activity without valid	<u>100</u>
authorization, except in emergency situations	
Intentionally making a material misstatement of	<u>100</u>
fact in an official log or amended log	

TABLE 3			
Level III Infractions of Construction Standards and			
Conditions			
Infraction	Points 30		
<u>Approvals</u>	<u>50</u>		
Using a method of drilling not listed on the well			
driller's license	50		
Failing to comply with any conditions included on the	<u>.50</u>		
well approval such as minimum or maximum depths,			
specified location of perforations	100		
Performing any well construction activity in violation	100		
of a red tag cease work order	20		
Casing	<u>30</u>		
Failure to extend well casing at least 18" above ground	50		
Failure to install casing in accordance with this rule	<u>50</u>		
Failure to install a protective casing around a PVC well	<u>50</u>		
at the surface			
Using improper casing joints	<u>100</u>		
Using or trying to use sub-standard well casing	<u>100</u>		
Surface Seals	<u>100</u>		
Using improper products or procedures to install a			
surface seal			
Failure to seal off artesian flow on the outside of casing	<u>100</u>		
Failure to install surface seal to adequate depth based	<u>100</u>		
on formation type			
Failure to install interval seals to eliminate aquifer	<u>100</u>		
commingling or cross contamination			
Well Abandonment	<u>100</u>		
Using improper procedures to abandon a well			
Using improper products to abandon a well	<u>100</u>		
Construction Fluids	<u>40</u>		
Using water of unacceptable quality in the well drilling			
operation			
Using an unacceptable mud pit	<u>40</u>		
Failure to use treated or disinfected water for drilling	<u>40</u>		
processes			
Using improper circulation materials or drilling	<u>100</u>		
chemicals			
Filter or Gravel Packs and Formation Stabilizers	<u>40</u>		
Failure to disinfect filter pack			
Failure to install filter pack properly	<u>75</u>		
Failure to install formation stabilizer according to	75		
standard			
Well Completion	<u>30</u>		
Failure to make well accessible to water level or			
pressure head measurements			
Failure to install casing annular seals, cap, and valving,	<u>30</u>		
and to control artesian flow			

Failure to disinfect a well upon completion of well	<u>40</u>				
drilling activity					
Failure to install sanitary well capping	<u>75</u>				
according to standard					
Failure to install a pitless adapter or unit according to	<u>75</u>				
standard					
Failure to develop and test a well according to standard	<u>75</u>				
Failure to hydrofracture a well according to standard	<u>75</u>				
Failure to install packers or plugs according to standard	<u>75</u>				
	75				
Failure to install well intakes, including screens,	<u>15</u>				
perforations, and open bottoms, according to standard	100				
Failure to install non-production wells according to standard	<u>100</u>				
Pump Installation and Repair	30				
Failure to extend well casing at least 18" above ground	<u></u>				
	30				
Failure to make well accessible to water level or					
pressure head measurements Failure to install casing annular seals, cap, and valving,	30				
and to control artesian flow	<u>50</u>				
Failure to disinfect a well upon completion of pump	40				
activity	<u></u>				
Failure to install a protective casing around a PVC well	<u>50</u>				
at the surface					
Failure to maintain surface completion and security	<u>75</u>				
standards					
Failure to install or maintain backflow protection	<u>75</u>				
Failure to develop and test a well according to standard	<u>75</u>				
Failure to install sanitary well capping according to	<u>75</u>				
standard					
Failure to install a pitless adapter or unit according to	<u>75</u>				
standard					
Failure to prevent contamination from entering a well	<u>100</u>				
through placement, products, tools, and materials					
Failure to repair a well's surface seal	100				
General	<u>30</u>				
Failure to securely cover an unattended well during					
construction					
Failure to engage in well drilling activity in accordance	100				
with accepted industry practices					
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TABLE 4				
Level IV Infractions of Application Requirements				
Infraction	Points [Variable]			
Submitting an initial license or registration	<u>100</u>			
application that contains false or misleading				
information				

5.2 When Points Are Assessed.

Points will be assessed against a driller's record upon verification by the state engineer that an infraction has occurred. Points will be assessed when the state engineer becomes aware of the infraction regardless of when the infraction occurred.

5.3 Infraction Notice

When infraction points are assessed against a well driller's record, the state engineer shall issue an infraction notice to the well driller. The notice shall include an explanation of the alleged violations, the date the alleged violations were discovered and the approximate date of occurrence, the number of points assessed for each infraction, the total number of points on the well drillers record, an explanation of the adjudicative process to appeal a cease and desist order and or infraction notice, and an explanation of how to delete points from the driller record, an any other information deemed pertinent by the state engineer.

5.4 Appeal of Infractions.

5.4.1 If the infraction points do not require a hearing, a well driller may appeal an infraction within 30 days of the date the infraction notice was issued. The appeal shall be made in writing to the state engineer and shall state clearly and concisely the disputed facts, the supporting facts, and the relief sought.

5.4.2 A well driller may request reconsideration of a denied appeal by requesting a hearing before the Presiding Officer within 20 days of the denial. If the Presiding Officer does not respond within 20 days after the request is submitted, then it is deemed denied.

5.5 Deleting Points from the Driller Record.

Points assessed against a well driller's record shall remain on the record unless deleted through any of the following options:

5.5.1 Points shall be deleted three years after the date when the infraction is noted by the state engineer and the points are assessed against the driller's record.

5.5.2 One half the points on the record shall be deleted if the well driller is free of infractions for an entire year.

5.5.3 Thirty points shall be deleted for obtaining six hours of approved continuing education credits in addition to the credits required to renew the water well driller's license. A driller may exercise this option only once each year.

5.5.4 Twenty points shall be deleted for taking and passing, with a minimum score of 70%, the test covering the administrative requirements and the minimum construction standards. A driller may exercise this option only every other year.

5.6 Well Driller Hearings.

When the number of infraction points assessed against the well driller's record equals or exceeds 100, the state engineer shall submit a request to the Presiding Officer for a hearing. The requested purpose of the hearing shall be to determine if administrative penalties should be levied against the water well driller including fines and probation, suspension, or revocation of the water well driller's. In lieu of a hearing, the well driller may request a preliminary conference to resolve and agree upon the dispute, fines, and penalties. If resolution cannot be reached at the preliminary conference, a hearing shall be held.

5.7 Lack of Knowledge Not an Excuse.

Lack of knowledge of the law or the administrative requirements and minimum construction standards related to well drilling shall not constitute an excuse for committing a violation.

R655-4-6. Administrative Penalties.

Administrative penalties ordered against a licensed driller by the Presiding Officer following a hearing can include probation, administrative fines, license suspension, and license revocation. Administrative penalties are ordered based on the severity of the infraction, see Level I, II, III from Tables 1-3 of Subsection R655-4-5(5.1) as well as the recurrence of an infraction. The maximum administrative fine per infraction shall be capped at \$1000. 6.1 Level I Administrative Penalties: Level I administrative penalties shall be levied against Level I administrative infractions, see Table 1 of Subsection R655-4-5(5.1). The Level I administrative penalty structure is as follows:

6.1.1 At the first conviction of Level I infractions, the disciplinary action for the infractions shall be probation.

6.1.2 Second conviction shall result in probation and a fine at a rate of \$2.50 per infraction point.

6.1.3 Third conviction shall result in probation and an elevated fine at a rate of \$5 per infraction point.

6.1.4 Fourth conviction shall result in an elevated fine at a rate of \$10 per infraction point and possible suspension.

6.1.5 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10 per infraction point and possible suspension or revocation.

6.1.6 Fines for late well logs and abandonment logs shall be calculated separately and added to fines calculated for other infractions. For late well log infractions, the points associated with each infraction shall be multiplied by a factor based on the lateness of the well log. The infraction point multipliers are as follows in Table 5:

TABLE 5				
Tardiness of the Log	Infraction Point Multiplier			
<u>1-2 weeks</u>	<u>0.50</u>			
2-4 weeks	<u>1.00</u>			
<u>1-3 months</u>	<u>1.50</u>			
<u>3-6 months</u>	2.00			
<u>6-9 months</u>	2.50			
<u>9-12 months</u>	3.00			
Over 12 months	4.00			

6.2 Level II Administrative Penalties: Level II administrative penalties shall be levied against Level II administrative infractions, see Table 2 of Subsection R655-4-5(5.1). The Level II administrative penalty structure is as follows:

6.2.1 At the first conviction of Level II infractions, the disciplinary action shall result in probation and a fine at a rate of \$2.50 per infraction point.

6.2.2 Second conviction shall result in probation and an elevated fine at a rate of \$5 per infraction point.

6.2.3 Third conviction shall result in possible suspension and an elevated fine at a rate of \$10 per infraction point.

6.2.4 Continued and repeated convictions beyond the fourth conviction may result in an elevated fine at a rate of \$10 per infraction point and possible suspension or revocation.

6.3 Level III Administrative Penalties: Level III administrative penalties shall be levied against Level III construction infractions. See Table 3 of Subsection R655-4-5(5.1). The Level III administrative penalty structure is as follows:

6.3.1 At the first conviction of Level III infractions, the disciplinary action shall result in probation and a fine at a rate of \$5 per infraction point.

6.3.2 Second conviction shall result in possible suspension and an elevated fine at a rate of \$10 per infraction point.

6.3.3 Third conviction may result in an elevated fine at a rate of \$10 per infraction point and possible suspension or revocation.

6.3.4 Level IV Administrative Penalties: The Level IV administrative penalty shall be levied against a Level IV application requirement infraction. See Table 4 of Subsection R655-4-5(5.1). The Level IV administrative penalty is revocation of the license at first conviction.

6.4 Administrative Penalties - General

6.4.1 Penalties shall only be imposed as a result of a well driller hearing.

6.4.2 Failure to pay a fine within 30 days from the date it is assessed shall result in the suspension of the well driller license until the fine is paid.

6.4.3 Fines shall be deposited as a dedicated credit. The state engineer shall spend the money retained from fines for expenses related to well drilling activity inspection, well drilling enforcement, and well driller education.

6.5 Probation: As described in Subsections R655-4-6(6.1), R655-4-6(6.2), and R655-4-6(6.3), probation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe first time infractions that are limited in number and less serious in their impact on the well owner and on the health of the aquifer. The probation period shall generally last until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection R655-4-5(5.5).

6.6 Suspension: Suspension shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of this rule, or infractions that a pose serious threat to the health of the aquifer, or a well driller's apparent disregard for this rule or the state's efforts to regulate water well drilling. Depending upon the number and severity of the rule infractions as described in Subsections R655-4-6(6.1), R655-4-6(6.2), and R655-4-6(6.3), the state engineer may elect to suspend a well driller license for a certain period or until certain conditions have been met by the well driller. In establishing the length of the suspension, the state engineer shall generally follow the guideline that three infraction points is the equivalent of one day of suspension. A well driller whose license has been suspended shall be prohibited from engaging in regulated well drilling activity. License suspension may also result in the exaction of the well driller bond as set forth in Subsection R655-4-3(3.9.4). A well driller whose license has been suspended is allowed to work as a registered operator under the direct, continuous supervision of a licensed well driller. If the suspension period extends beyond the expiration date of the water well driller license, the water well driller may not apply to renew the license until the suspension period has run and any conditions have been met. Once the suspension period has run and once all conditions have been met by the well driller, the suspension shall be lifted and the driller shall be notified that the licensee may again engage in the well drilling business. The well driller shall then be placed on probation until the number of infraction points on the well driller's record is reduced below 70 through any of the options described in Subsection R655-4-5(5.5).

6.7 Revocation: Revocation shall generally be the disciplinary action imposed in situations where the facts established through testimony and evidence describe repeated convictions of this rule for which the well driller's Utah Water Well License has previously been suspended. Revocation shall also be the disciplinary action taken if after a hearing the facts establish that a driller knowingly provided false or misleading information on a driller license application. A well driller whose license has been revoked shall be prohibited from engaging in regulated well drilling activity. License revocation may also result in the exaction of the well driller bond as set forth in Subsection R655-4-3(3.9.4). A well driller whose license has been revoked is allowed to work as a registered operator under the direct, continuous supervision of a licensed well driller. A well driller whose water well license has been revoked may not apply for a new water well license for a period of two years from the date

of revocation. After the revocation period has run, a well driller may apply for a new license as provided in Section R655-4-3. However, the well drilling experience required must be based on new experience obtained since the license was revoked.

R655-4-7. Adjudicative Proceedings.

7.1 Designation of Presiding Officers.

The following persons may be designated Presiding Officers for well driller adjudicative proceedings: assistant state engineers; deputy state engineers; or other qualified persons designated by the state engineer.

7.2 Disqualification of Presiding Officers.

7.2.1 A Presiding Officer shall by disqualified from performing the functions of the Presiding Officer regarding any matter in which a spouse, or a person within the third degree of relationship to either of them or the spouse of such person:

7.2.1.1 Is a party to the proceeding, or an officer, director, or trustee of a party;

7.2.1.2 Has acted as an attorney in the proceeding or served as an attorney for, or otherwise represented, a party concerning the matter in controversy;

7.2.1.3 Knows of a financial interest, either individually or as a fiduciary, in the subject matter in controversy or in a party to the proceeding;

7.2.1.4 Knows of any other interest that could be substantially affected by the outcome of the proceeding; or

7.2.1.5 Is likely to be a material witness in the proceeding. 7.2.2 A Presiding Officer is also subject to disqualification under principles of due process and administrative law.

7.2.3 These requirements are in addition to any requirements under the Utah Public Officers' and Employees' Ethics Act, Section 67-16-1 et seq.

7.2.4 A motion for disqualification shall be made first to the Presiding Officer. If the Presiding Officer is appointed, any determination of the Presiding Officer upon a motion for disqualification may be appealed to the state engineer.

7.3 Informal Proceedings

7.3.1 All adjudicative proceedings initiated under this rule are classified as informal adjudicative proceedings.

7.3.1 The procedures for informal adjudicative proceedings initiated under this rule are set forth in this rule.

7.4 Service of Notice and Orders.

7.4.1 Hearing Notices and Final Judgment and Orders shall be served upon the well driller at the well driller's address using certified mail or methods described in Rule 5 of the Utah Rules of Civil Procedure.

7.4.2 Infraction notices, notices of approval or denial of licensing or registration or license or registration renewal, and other routine correspondence related to the Division's Well Drilling Program shall be sent to the well driller at the well driller's address by regular U.S. Mail.

7.5 Computation of Time.

7.5.1 Computation of any time period referred to in this rule shall begin with the first day following the act that initiates the running of the time period. The last day of the time period computed is included unless it is a Saturday, Sunday, or legal holiday or any other day on which the Division is closed, in which event the period shall run until the end of the business hours of the following business day.

7.5.2 The Presiding Officer, for good cause shown, may extend any time limit contained in this rule, unless precluded by statute. All requests for extensions of time shall be made by motion.

7.6	Reques	t for H	learing

7.6.1 A hearing before a Presiding Officer is permitted in a well drilling adjudicative proceeding if:

______7.6.1.1 The proceeding was started by an infraction notice; or

7.6.1.2 The proceeding was started by a well driller request raising a genuine issue regarding

7.6.1.2.1 The denial of a license or registration renewal application; or

7.6.1.2.2 The issuance of a cease and desist order, also known as a red tag.

7.6.2 Regardless of any other provision to the contrary, all requests for a hearing shall be in writing and shall be filed with the Division to the attention of the Presiding Officer.

7.6.3 The request for a hearing shall state clearly and concisely the disputed facts, the supporting facts, the relief sought, and any additional information required by applicable statutes and rules.

7.6.4 The Presiding Officer shall, give all parties at least ten days notice of the date, time and place for the hearing. The Presiding Officer may grant requests for continuances for good cause shown.

7.6.5 Any party may, by motion, request that a hearing be held at some place other than that designated by the Presiding Officer, due to disability or infirmity of any party or witness, or where justice and equity would be best served.

7.6.6 A well driller at any time may withdraw the well driller's request for a hearing. The withdrawal shall be filed with the Division to the attention of the Presiding Officer, in writing, signed by the well driller or an authorized representative, and is deemed final upon the date filed.

7.7 Filings Generally.

7.7.1 Papers filed with the Division shall state the title of the proceeding and the name of the well driller on whose behalf the filing is made.

7.7.2 Papers filed with the Division shall be signed and dated by the well driller on whose behalf the filing is made or by the well driller's authorized representative. The signature constitutes certification that the well driller:

7.7.2.1 Read the document;

7.7.2.2 Knows the content;

7.7.2.3 To the best of the well driller's knowledge, represents that the statements are true;

7.7.2.4 Does not interpose the papers for delay; and

7.7.2.5 If the well driller's signature does not appear on the paper, authorized a representative with full power and authority to sign the paper.

7.7.3 All papers, except those submittals and documents that are kept in a larger format during the ordinary course of business, shall be submitted on an 8.5 x 11-inch paper. All papers shall be legibly hand printed or typewritten.

7.7.4 The Division may provide forms to be used by the parties.

7.7.5 The original of all papers shall be filed with the Division with such number of additional copies as the Division may reasonably require.

7.7.6 Simultaneously with the filing of any papers with the Division, the party filing such papers shall send a copy to all other parties, or their authorized representative to the proceedings, by hand delivery, or U.S. Mail, postage prepaid, properly addressed.

7.8 Motions.

7.8.1 A party may submit a request to the Presiding Officer for any order or action not inconsistent with Utah law or this rule. Such a request shall be called a motion. The types of motions made shall be those that are allowed under this rule and the Utah Rules of Civil Procedure.

7.8.2 Motions may be made in writing at any time before or after the start of a hearing, or they may be made orally during a hearing. Each motion shall set forth the grounds for the desired order or action and, if submitted in writing, state whether oral argument is requested. A written supporting memorandum, specifying the legal basis and support of the party's position shall accompany all motions.

7.8.3 The Presiding Officer may, upon the Presiding Officer's own initiative or upon the motion of any party, order any party to file a response or other pleading, and further permit either party to amend its pleadings in a manner just to all parties.

7.8.4 Preliminary Conference. Parties may request to appear for a preliminary conference before a hearing or before the scheduled start of a hearing or at any time before issuing a Final Judgment and Order. All parties shall prepare and exchange the following information at the initial preliminary conference:

1. names and addresses of prospective witnesses including proposed areas of expertise for expert witnesses;

2. a brief summary of proposed testimony;

3. a time estimate of each witness' direct testimony;

4. curricula vitae or resumes of all prospective expert witnesses;

5. the scheduling of a preliminary conference shall be solely within the discretion of the Presiding Officer;

6. the Presiding Officer shall give all parties at least three days notice of the preliminary conference;

7. the notice shall include the date, time and place of the preliminary conference. The purpose of a preliminary conference is to consider any of the following:

a. The simplification or clarification of the issues;

b. The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which shall avoid unnecessary proof;

c. The limitation of the number of witnesses or avoidance of similar cumulative evidence, if the case is to be heard;

d. The possibility of agreement disposing of all or any of the issues in dispute; or

e Such other matters as may aid in the efficient and equitable disposition of the adjudicative enforcement proceeding.

7.8.5 Consent Order: If the respondent substantially agrees with or does not contest the statements of fact in the initial order, or if the parties agree to specific amendments to the statements of fact in the initial order, the parties may enter into a Consent Order after a preliminary conference by stipulating to the facts, fines, and penalties, if any. A Consent Order based on that stipulation, shall be prepared by the state engineer for execution by the parties. The executed Consent Order shall be reviewed by the Presiding Officer and, if found to be acceptable, will be signed and issued by the Presiding Officer. A Consent Order issued by the Presiding Officer is not subject to reconsideration or judicial review.

7.9 Conduct of Hearings.

7.9.1 All parties, authorized representatives, witnesses and other persons present at the hearing shall conduct themselves in a manner consistent with the standards and decorum commonly observed in Utah courts. Where such decorum is not observed, the Presiding Officer may take appropriate action including adjournment, if necessary. 7.9.2 The Presiding Officer shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters, and have an oath or affirmation administered to all witnesses.

7.10 Rules of Evidence in Hearings.

7.10.1 Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence.

7.10.2 A party may call witnesses and present oral, documentary, and other evidence.

7.10.3 A party may comment on the issues and conduct cross-examination of any witness as may be required for a full and true disclosure of all facts relevant to any issue designated for hearing, and as may affect the disposition of any interest which permits the person participating to be a party.

7.10.4 A witness' testimony shall be under oath or affirmation.

7.10.5 Any evidence may be presented by affidavit rather than by oral testimony, subject to the right of any party to call and examine or cross-examine the affiant.

7.10.6 Relevant evidence shall be admitted.

7.10.7 The Presiding Officer's decision may not be based solely on hearsay.

7.10.8 Official notice may be taken of all facts of which judicial notice may be taken in Utah courts.

7.10.9 All parties shall have access to public information contained in the Division's files and to all materials and information gathered in the investigation, to the extent permitted by law.

7.10.10 No evidence shall be admitted after completion of a hearing or after a case is submitted on the record, unless otherwise ordered by the Presiding Officer.

7.10.11 Intervention is prohibited.

7.10.12 A well driller appearing before the Presiding Officer for a hearing may be represented by a licensed attorney. The Water Well Drilling Specialist shall present evidence before a Presiding Officer supporting the state engineer's claim. At the state engineer's discretion, other Division staff or a representative from the office of the Attorney General may also present supporting evidence. 7.11 Transcript of Hearing.

7.11.1 Testimony and argument at the hearing shall be recorded electronically. The Division shall make copies of electronic recordings available to any party, upon written request. The fee charged for this service shall be equal to the actual costs of providing the copy. The Division is not responsible to supply any party with a transcript of a hearing.

7.11.2 If any party shall cause to be produced a transcript of a hearing, a copy of said transcript shall be filed with the Division and provided to all other parties. By order of the Presiding Officer and with the consent of all parties, such written transcript may be deemed an official transcript.

7.11.3 Corrections to an official transcript may be made only to conform it to the evidence presented at the hearing. Transcript corrections, agreed to by opposing parties, may be incorporated into the record, if and when approved by the Presiding Officer, at any time during the hearing, or after the close of the adjudicative proceeding. The Presiding Officer may call for the submission of proposed corrections and may determine the disposition at appropriate times during the proceeding.

7.12 Procedures and Standards for Orders

7.12.1 If the well driller attends the hearing, the Presiding Officer shall issue a Final Judgment and Order.

7.12.2 The Presiding Officer may issue a Default Order if, after proper notice, the well driller fails to attend a hearing scheduled by the Presiding Officer.

7.12.3 Within a reasonable time after the close of a well driller adjudicative proceeding, the Presiding Officer shall issue a written and signed Final Judgment and Order, including:

7.12.3.1 A statement of law and jurisdiction;

7.12.3.2 A statement of facts;

7.12.3.3 An identification of the confirmed infractions;

7.12.3.4 An order setting forth actions required of the well driller;

7.12.3.5 A notice of the option to request reconsideration and the right to petition for judicial review;

7.12.3.6 The time limits for requesting reconsideration or filing a petition for judicial review; and

7.12.3.7 Other information the Presiding Officer deems necessary or appropriate.

7.12.4 The Presiding Officer's Final Judgment and Order shall be based on the record, as defined in this rule.

7.12.5 A copy of the Presiding Officer's Final Judgment and Order shall be promptly mailed to each of the parties.

7.12.6 A well driller who fails to attend a hearing waives any right to request reconsideration of the Final Judgment and Order per Subsection R655-4-7(7.13), but may petition for judicial review per Subsection R655-4-7(7.16).

7.13 Reconsideration.

7.13.1 Within 14 days after the Presiding Officer issues a Final Judgment and Order, any party may file a written request for reconsideration stating the specific grounds upon which relief is requested.

7.13.2 Unless otherwise provided by statute, the filing of a request for reconsideration is not a prerequisite for seeking judicial review of the order.

7.13.3 The request for reconsideration shall be filed with the Division to the attention of the Presiding Officer and one copy shall be mailed to each party by the party filing the request.

7.13.4 The Presiding Officer may issue a written order granting or denying the request for reconsideration. It is not required that the written order explain the grounds for the Presiding Officer's decision.

7.13.5 If the Presiding Officer does not issue an order granting a request for reconsideration within 14 days after the date it is filed with the Division, the request shall be considered denied.

7.14 Amending Administrative Orders.

7.14.1 On the motion of any party or of the Presiding Officer, the Presiding Officer may amend a Final Judgment and Order for reasonable cause shown, including a clerical mistake made in the preparation of the order.

7.14.2 A motion by any party to amend an order shall be made in a reasonable time and, if to amend a Final Judgment and Order, not more than three months after the Final Judgment and Order was issued.

7.14.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to amend an order by issuing a notice. The notice shall include a copy of the motion.

7.14.4 Any party opposing a motion to amend an order may submit information within the time period to be established by the Presiding Officer's notice of the motion.

7.14.5 After considering a motion to amend an order and any relevant information received from the parties, the Presiding Officer shall advise the parties of the determination. If the Presiding Officer determines that the order shall be amended, the Presiding Officer shall issue the amended order to all parties.

7.15 Setting Aside a Final Judgment and Order.

7.15.1 On the motion of any party or on a motion by the Presiding Officer, the Presiding Officer may set aside a Final Judgment and Order on any reasonable grounds, including the following:

7.15.1.1 The well driller was not properly served with an infraction notice;

7.15.1.2 A rule or policy was not followed when the Final Judgment and Order was issued;

7.15.1.3 Mistake, inadvertence, excusable neglect;

7.15.1.4 Newly discovered evidence which by due diligence could not have been discovered before the Presiding Officer issued the Final Judgment and Order; or

7.15.1.5 Fraud, misrepresentation or other misconduct of an adverse party;

7.15.2 A motion to set aside a final order shall be made in a reasonable time and not more than three months after the Final Judgment and Order was issued.

7.15.3 The Presiding Officer shall notify the parties of the receipt and consideration of a motion to set aside a final order by issuing a notice to all parties, including a copy of the motion.

7.15.4 Any party opposing a motion to set aside a final order may submit information within the time period to be established by the Presiding Officer's notice of the motion.

7.15.4 After consideration of the motion to set aside an order and any information received from the parties, the Presiding Officer shall issue an order granting or denying the motion, and provide a copy of the order to all parties.

7.16 Judicial Review.

7.16.1 Pursuant to Section 73-3-14, a Final Judgment and Order may be reviewed by trial de novo by the district court:

7.16.1.1 In Salt Lake County; or

7.16.1.2 In the county where the violation occurred.

7.16.2 A well driller shall file a petition for judicial review of a Final Judgment and Order within 20 days from the day on which the order was issued, or if a request for reconsideration has been filed and denied, within 20 days of the date of denial of the request for reconsideration.

7.16.3 The Presiding Officer may grant a stay of an order or other temporary remedy during the pendency of the judicial review on the Presiding Officer's own motion, or upon the motion of a party. The procedures for notice, for consideration of motions, and for issuing a determination shall be as set forth for a motion to set aside a Final Judgment and Order.

R655-4-8. License and Operator Registration Renewal.

8.1 Well Driller and Pump Installer Licenses. The Division will mail to each licensed well driller and pump installer a notice packet to renew the license about 30 days before the expiration of the license. Failure to receive the notice does not relieve a licensee of an obligation to file application and pay the fee for renewal in a timely manner. A well driller shall notify the Division of any change in mailing address within 30 days after the change.

8.1.1 Well driller licenses and Pump Installer licenses shall expire and be renewed according to the following provisions:

a. The licenses of well drillers and pump installers whose last name begins with A through L shall expire at 12 midnight on June 30 of odd numbered years. b. The licenses of well drillers and pump installers whose last name begins with M through Z shall expire at 12 midnight on June 30 of even numbered years.

c. Drillers and pump installers who meet the renewal requirements set forth in Subsection R655-4-8(8.1.2) on or before the expiration deadlines set forth in Subsection R655-4-8(8.1.1) shall be authorized to operate as a licensed well driller or pump installer until the new license is issued. If a licensee does not complete the renewal requirements by the license expiration date, the license will become inactive, and the licensee must cease and desist all regulated work until the license has been renewed.

d. Licensees must renew their licenses within 24 months of the license expiration date. Licensees failing to renew within 24 months of the license expiration date must re-apply for a license, meet all the application requirements of Subsection R655-4-3(3.2) if re-applying for a well driller's license or Subsection R655-4-3(3.4) if re-applying for a pump installer's license, and provide documentation of 12 hours of continuing education according to the requirements of Subsection R655-4-8(8.2) obtained within the previous 24 months.

8.1.2 Applications to renew a license must include the following items:

a. payment of the license renewal fee determined and approved by the legislature;

b. written application to the state engineer;

c. documentation of continuing well driller bond coverage in the amount of \$5,000 penal bond for the next licensing period. The form and conditions of the well driller bond shall be as set forth in Subsection R655-4-3(3.9). Allowable documentation can include bond continuation certificates and CD statements;

d. as applicable to the type of license, proper submission of all Start Cards, official well driller reports, also known as well logs, pump installer reports, also known as pump logs, and well abandonment reports for the current licensing period;

e. documentation of compliance with the continuing education requirements described in Subsection R655-4-8(8.2). Acceptable documentation of attendance at approved courses must include the following information: the name of the course, the date it was conducted, the number of approved credits, the name and signature of the instructor and the licensees name; for example, certificates of completion, transcripts, attendance rosters, or diplomas. Licensees are advised that the state engineer will not keep track of the continuing education courses each licensee attends during the year. Licensees are responsible to acquire and then submit documentation with the renewal application.

8.1.3 License renewal applications that do not meet the requirements of Subsection R655-4-8(8.1.2) by June 30 of the expiration year or which are received after June 30 of the expiration year, will be assessed an additional administrative late fee determined and approved by the legislature.

8.1.4 Restricted, conditioned, limited, or denied renewal applications

8.1.4.1 The state engineer may renew a license on a restricted, conditional, or limited basis if the licensee's performance and compliance with established rules and construction standards show the scope of the licensee's permitted activities should be reduced or that the licensee requires strict supervision during a probationary period.

8.1.4.2 The restricted, conditional, or limited license shall state the restrictions, conditions, or limitations placed on the licensee's regulated activity; whether the restrictions, conditions, or limitations are permanent or time-limited; and the requirements, if any, which must be met for the license to be re-issued without restrictions, conditions, or limitations.

8.1.4.3 The state engineer may deny an application to renew a license if there has been a violation of this rule or Section 73-3-25 that casts doubt on the competency of the licensee or the licensee's willingness to comply with the well drilling administrative requirements or construction standards.

8.1.4.4 Within 30 days of a license renewal application being denied or a license being renewed on a restricted, conditioned, or limited basis, a licensee may appeal the action by requesting a hearing according to Section R655-4-7.

8.1.4.5 The restrictions, conditions, or limitations on a license or the denial of a license shall remain effective during the pendency of the well driller or pump installer adjudicative proceeding.

8.2 Continuing Education.

8.2.1 During each license period, licensed well drillers and pump installers are required to earn at least 12 continuing education credits by attending training sessions approved, sponsored or sanctioned by the state engineer. Drillers and pump installers who do not renew their licenses, but who intend to renew within the following 24 month period allowed in Subsection R655-4-8(8.1.1), are also required to earn 12 continuing education credits.

8.2.2 The state engineer will develop criteria for the training courses, approve the courses that can offer continuing education credits, and assign the number of credits to each course.

8.2.3 The state engineer shall assign the number of continuing education credits to each proposed training session based on the instructor's qualifications, a written outline of the subjects to be covered, and written objectives for the session. Licensees wishing continuing education credit for other training sessions shall provide the state engineer with all information it needs to assign continuing education requirements.

8.2.4 Licensed drillers must complete a state engineersponsored "Administrative Rules for Well Drillers and Pump Installers" review course or other approved rules review once every four years.

8.2.5 CE credits cannot be carried over from one licensing period to another.

8.3 Operator's Registration.

8.3.1 Drill Rig and Pump Rig operator registrations shall expire at the same time as the license of the well driller or pump installer by whom they are employed. Operators who meet the renewal requirements set forth in Subsection R655-4-8(8.3.2) on or before 12 midnight June 30 of the expiration year shall be authorized to act as a registered operator until the new registration is issued. Operators must renew their registrations within 24 months of the registration expiration date. Operators failing to renew within 24 months of the registration expiration date must re-apply for an operator's registration and meet all the application requirements of Subsections R655-4-3(3.3) and R655-4-3(3.5).

8.3.2 Applications to renew an operator's registration must include the following items:

a. Payment of the registration renewal fee determined and approved by the legislature;

b. Written application to the state engineer.

8.3.3 Registration renewal applications that do not meet the requirements of Subsection R655-4-8(8.3.2) by the June 30 expiration date or that are received after the June 30 expiration date will be assessed an additional administrative late fee determined and approved by the legislature. 8.4 Shallow Water Well Constructor Licenses. The Division will mail to each licensed shallow water well constructor a notice packet to renew their license about 30 days before the expiration of the license. Failure to receive the notice does not relieve a licensee of the obligation to file application and pay the fee for renewal in a timely manner. The licensee shall notify the Division of any change in the licensee's mailing address within 30 days after the change.

8.4.1 Shallow water well constructor licenses shall expire and be renewed according to the following provisions:

a. The licenses whose last name begins with A through L shall expire at 12 midnight on June 30 of odd numbered years.

b. The licenses whose last name begins with M through Z shall expire at 12 midnight on June 30 of even numbered years.

c. Licensees who meet the renewal requirements set forth in Subsection R655-4-8(8.4.2) on or before the expiration deadlines set forth in Subsection R655-4-8(8.4.1) shall be authorized to operate as a licensed shallow well constructor until the new license is issued. If a licensee does not complete the renewal requirements by the license expiration date, the license will become inactive, and the licensee must cease and desist all regulated work until the license has been renewed.

d. Licensees must renew their licenses within 24 months of the license expiration date. Licensees failing to renew within 24 months of the license expiration date must re-apply for a license, meet all the application requirements of Subsection R655-4-3(3.6).

8.4.2 Applications to renew a license must include the following items:

a. Payment of the license renewal fee determined and approved by the legislature;

b. Written application to the state engineer;

c. As applicable to the type of license, proper submission of all Start Cards, official well driller reports, also known as well logs, pump installer reports, also known as pump logs, and well abandonment reports for the current licensing period;

8.4.3 License renewal applications that do not meet the requirements of Subsection R655-4-8(8.4) by June 30 of the expiration year or which are received after June 30 of the expiration year, will be assessed an additional administrative late fee determined and approved by the legislature.

R655-4-9. The Approval Process for Non-Production Wells.

9.1 General.

Regulated non-production wells such as cathodic protection wells, closed-loop heating-cooling exchange wells, monitor wells, piezometers, test wells, and other wells meeting the criteria in Subsection R655-4-1(1.2.2.4) drilled and constructed to a depth greater than 30 feet below natural ground surface require approval from the state engineer. The approval and permitting of regulated water production wells as outlined in Subsection R655-4-1(1.2.1) is accomplished through the water right processes in accordance with Title 73, Water and Irrigation.

9.2 Approval to Drill, Construct, Renovate, or Replace.

Approval to drill, construct, renovate, or replace nonproduction wells is issued by the state engineer's main office and regional offices following review of written requests from the ownerapplicant or their appointed representative. The appointed representative shall not include the licensed driller designated on the application. The requests for approval shall be made on forms provided by the state engineer entitled "Request for Non-Production Well Construction". The following information must be included on the form:

a. General location or common description of the project.
b. Specific course and distance locations from established
government surveyed outside section corners or quarter corners.
c. Total anticipated number of wells to be installed.

d. Diameters, approximate depths and materials used in the wells.

e. Projected start and completion dates.

f. Name and license number of the driller contracted to install the wells.

g. A detailed explanation of the purpose and technical aspects of the drilling project. This can also include reviews and approvals, such as building permits, done by local jurisdictions of the project. This additional documentation may expedite the Division's processing of the non-production well application.

h. Signature of the well owner or authorized representative attesting to the accuracy and truthfulness of the information on the application. The licensed driller cannot be the signatory on the non-production well application.

9.2.1 There is no fee required to request approval to drill, construct, renovate, or replace a non-production well. Using available information and sources, the Division will evaluate the potential for the non-production well to become a contamination source or otherwise negatively impact the groundwater resource before approval. This evaluation can take up to 14 days to conduct. The Division shall list application information on its website to allow the public and local jurisdictions to review the project before approval. The well permit application shall be returned without review to the applicant if the Division determines that the application is incomplete, contains inaccurate information, lacks sufficient information or is illegible. The Division shall deny the issuance of a well permit if the site where the well is to be drilled is designated by the Division as an area where wells may not be constructed, including contaminated or protected aquifers, areas where drilling and construction of wells can impact other water rights, and other areas where environmental remediation may be adversely affected by the construction or operation of wells. Upon written approval by the state engineer, the project will be assigned an approved nonproduction well number which will be referenced on all Start Cards and official well driller's reports.

R655-4-10. General Requirements.

10.1 Standards.

10.1.1 In some locations, the compliance with the following minimum standards will not result in a well being free from pollution or from being a source of subsurface leakage, waste, or contamination of the groundwater resource. Since it is impractical to try to prepare standards for every conceivable situation, the well driller or pump installer shall judge when to construct or otherwise perform work on wells under more stringent standards when such precautions are necessary to protect the groundwater supply and those using the well in question. Other state and local regulations pertaining to well drilling and construction, groundwater protection, isolation distances, also known as setbacks, from potential contamination sources or other structures or boundaries, and water quality and testing regulations may exist that are either more stringent than this rule or that specifically apply to a given situation or area. It is the licensee's responsibility to understand and apply other federal, state, and local regulations as applicable.

10.2 Well Site Locations.

10.2.1 Well site locations are described by course and distance from outside section corners or quarter corners, based on a Section, Township, and Range Cadastral System, and by the

Universal Transverse Mercator (UTM) coordinate system (NAD83 Map Datum) on all state engineer authorizations to drill, also known as Start Cards. However, the licensee should also be familiar with local zoning ordinances, or county boards of health requirements which may limit or restrict the actual well location and construction in relationship to property or structure boundaries and existing or proposed concentrated sources of pollution or contamination such as septic tanks, drain fields, sewer lines, stock corrals, or feed lots. The licensee should also be familiar with Title 54 Chapter 8a, Utah Underground Facilities Act, which requires subsurface excavators, including well drilling, to notify operators of underground utilities before to any subsurface excavation. Information on this requirement can be found by calling Blue Stakes Utility Notification Center at (800) 662-4111.

10.2.2 Regulated wells shall be drilled at the approved location as defined on the valid Start Card. The driller shall check the drilling location against the authorized location on the Start Card before the start of drilling to see if it matches the state-approved location listed on the Driller's Start Card. If the proposed well location does not match the state-approved well location, the driller shall notify the applicant and the state engineer's office. Drilling a well at an unapproved location is a violation.

10.3 Unusual Conditions.

10.3.1 If unusual conditions occur at a well site and compliance with this rule will not result in a satisfactory well or protection to the groundwater supply, a licensee shall request that special standards be prescribed for a particular well, also known as a variance request. The request for special standards shall be in writing and shall set forth the location of the well, the name of the owner, the unusual conditions existing at the well site, the reasons and justification that compliance with this rule and minimum standards will not result in a satisfactory well, and the proposed standards that the licensee believes will be more adequate for this particular well. If the state engineer finds that the proposed changes are in the best interest of the public, the state engineer will approve the proposed changes by assigning special standards for the particular well under consideration. At the Division's discretion, the licensee applying for the variance may be required to provide additional technical information justifying the variance. The variance request will be evaluated, and a response will be given within 14 days. In a public health emergency or other exceptional circumstance, verbal notification for a variance may be given. An emergency usually consists of a well failure resulting in a dry well or an unusable well. Driller convenience does not constitute an emergency.

R655-4-11. Well Drilling and Construction Requirements.

11.0 General. Standards in this section apply to wells greater than 30 feet. For shallow water well requirements, see Section R655-4-17.

11.1 Approved Products, Materials, and Procedures.

11.1.1 Any product, material or procedure designed for use in the drilling, construction, cleaning, renovation, development pump installation or repair, or abandonment of water production or nonproduction wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI-NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval. <u>11.1.2</u> Public supply wells are also regulated by the Division of Drinking Water, and there are additional construction requirements in Rule R309-515.

11.2 Well Casing - General

11.2.1 Drillers Responsibility. It shall be the sole responsibility of the well driller to determine the suitability of any type of well casing for the particular well being constructed, in accordance with these minimum requirements.

11.2.2 Casing Stick-up. The well casing shall extend a minimum of 18 inches above finished ground level and the natural ground surface should slope away from the casing. A secure sanitary, weatherproof mechanically secured cap, seal, or a completely welded cap shall be placed on the top of the well casing to prevent contamination of the well. If a vent is placed in the cap, it shall be properly screened to prevent access to the well by debris, insects, or other animals.

11.2.3 Steel Casing. All steel casing installed in Utah shall be in new or like-new condition, being free from pits or breaks, clean with all potentially dangerous chemicals or coatings removed, and shall meet the minimum specifications listed in Table 6 of this rule. To utilize steel well casing, or steel blank casing and screen combinations, that does not fall within the categories specified in Table 6, the driller shall receive written approval from the state engineer. All steel casing installed in Utah shall meet or exceed the minimum ASTM, ANSI, or AWWA standards for steel pipe as described in Subsection R655-4-11(11.1) unless otherwise approved by the state engineer. Applicable standards may include and are incorporated by reference into this rule:

AWWA A100-AWWA Standard for Water Wells, 2020 Edition.

ASTM A53/A53M-20 Standard Specifications for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, 2020 Edition.

ASTM A139/A139M-16 Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (NPS 4 and over), 2016 Edition.

AWWA C200-2017 Standard for Steel Water Pipe, 6 Inches and Larger, 2017 Edition.

ASTM A589/A589M-06 (2018) Standard Specification for Seamless and Welded Carbon Steel Water-Well Pipe, 2018 Edition.

ASTM A106/A106M-19a Standard Specification for Seamless Carbon Steel Pipe for High Temperature Service, 2019 Edition

ASTM A778/A778M-16 (2021) Standard Specifications for Welded, Unannealed Austenitic Stainless Steel Tubular Products, 2021 Edition.

ASTM A252/A252M-19 Standard Specification for Welded and Seamless Steel Pipe Piles, 2019 Edition.

ASTM A312/A312M-21 Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes, 2021 Edition.

ASTM A409/A409M-19 Standard Specification for Welded Large Diameter Austenitic Steel Pipe for Corrosive or High Temperature Service, 2019 Edition.

ASTM A606/A606M-18 Standard Specification For Steel, Sheet And Strip, High-Strength, Low-Alloy, Hot-Rolled And Cold-Rolled, With Improved Atmospheric Corrosion Resistance, 2018 Edition.

TABLE 6								
	Μ	inimum	Wall Th	ickness fo	or Steel V	Vell Casin	g	
Depth	<u>0</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>600</u>	<u>800</u>	<u>1000</u>	<u>1500</u>
Nominal	to	to						
Casing	<u>200</u>	<u>300</u>	<u>400</u>	<u>600</u>	<u>800</u>	1000	1500	2000
Diameter	feet	feet						
<u>5</u>	250	250	250	<u>250</u>	250	250	250	250
<u>6</u>	250	250	250	<u>250</u>	250	250	250	<u>250</u>
8	250	250	250	<u>250</u>	250	250	250	250
<u>10</u>	<u>250</u>	250	<u>250</u>	<u>250</u>	250	250	<u>312</u>	<u>312</u>
<u>12</u>	<u>250</u>	250	<u>250</u>	<u>250</u>	250	250	<u>312</u>	<u>312</u>
14	250	250	250	250	312	312	312	312
<u>16</u>	250	250	312	312	312	312	375	375
<u>18</u>	<u>250</u>	<u>312</u>	<u>312</u>	<u>312</u>	<u>375</u>	<u>375</u>	<u>375</u>	<u>438</u>
<u>20</u>	<u>250</u>	<u>312</u>	<u>312</u>	<u>312</u>	<u>375</u>	<u>375</u>	<u>375</u>	438
<u>22</u>	<u>312</u>	<u>312</u>	<u>312</u>	<u>375</u>	<u>375</u>	<u>375</u>	<u>375</u>	438
<u>24</u>	<u>312</u>	<u>312</u>	<u>375</u>	<u>375</u>	<u>375</u>	<u>438</u>		
30	312	<u>375</u>	375	438	<u>438</u>	500		

Note: Minimum wall thickness is in inches.

For nominal casing diameters less than five inches, the minimum wall thickness must be equivalent to ASTM Schedule 40.

For any other casing diameter not addressed Subsection R655-4-11(11.2),

approval by the state engineer is required.

<u>0.250 = 1/4, 0.312 = 5/16, 0.375 = 3/8, 0.438 = 7/16.</u>

11.2.4 Plastic and Other Non-metallic Casing.

11.2.4.1 Materials. PVC well casing and screen may be installed in Utah upon obtaining permission of the well owner. Other types of non-metallic casing or screen must be approved by the state engineer before installation. Plastic well casing and screen shall be manufactured and installed to conform with the American National Standards Institute (ANSI) or the American Society for Testing and Materials (ASTM) Standard F480-14, 2022 Edition, which is incorporated by reference to this rule. Casing and screen meeting this standard is normally marked "WELL CASING" and with the ANSI-ASTM designation "F480, SDR-17 or similar standard dimension ratio." All plastic casing and screen for use in potable water supplies shall be manufactured to be acceptable to the American National Standards Institute's National Sanitation Foundation (NSF) standard 61. Other types of plastic casings and screens may be installed upon manufacturers certification that such casing meets or exceeds the ASTM-SDR specification or ANSI-NSF approval and upon state engineer approval.

<u>11.2.4.2</u> Minimum Wall Thickness and Depth Requirements. PVC well casing and screen for non-production wells with a nominal diameter equal to or less than four inches shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 21 or a Schedule 40 designation. PVC well casing and screen used for non-production well purposes with a nominal diameter greater than four inches shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 17 or a Schedule 80 designation. PVC well casing and screen used for water production well purposes shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 17 or a Schedule 80 designation. PVC well casing and screen used for water production well purposes shall meet the minimum wall thickness required under ASTM Standard F480-95 SDR 17 or a Schedule 80 designation. Additionally, caution should be used when other than factory slots or perforations are added to PVC well casing. The installation of hand cut slots or perforations significantly reduces the collapse strength tolerances of unaltered casings. The depth at which plastic casing and screen is placed in a well shall conform to the minimum requirements and restrictions as outlined in ASTM Standard F480-14, 2022 Edition and to PVC casing manufacturer recommendations. Liner pipe does not need to meet these wall thickness requirements if it is placed inside of a casing that does meet these wall thickness requirements.

<u>11.2.4.3</u> Fiberglass Casing. Fiberglass reinforced plastic well casings and screens may be installed in wells upon obtaining permission of the well owner. All fiberglass casing or screens installed in wells for use in potable water supplies shall be manufactured to be acceptable by ANSI-NSF Standard 61 and upon state engineer approval.

<u>11.2.4.4</u> Driving Non-metallic Casing. Non-metallic casing shall not be driven, jacked, or dropped and may only be installed in an oversized borehole.

11.2.4.5 Protective Casing. If plastic or other non-metallic casing is utilized, the driller shall install a protective steel casing which complies with Subsection R655-4-11(11.2.3) or an equivalent protective covering approved by the state engineer over and around the well casing at ground surface to a depth of at least 2-1/2 feet. If a pitless adapter is installed on the well, the bottom of the protective cover shall be placed above the pitless adapter or well connection. If the pitless adapter is placed in the protective casing, the protective casing shall extend below the pitless entrance in the well casing and be sealed both on the outside of the protective casing and between the protective casing and well casing. The protective cover shall be sealed in the borehole in accordance with the requirements of Subsection R655-4-11(11.4). The annular space between the protective cover and non-metallic casing shall also be sealed with acceptable materials in accordance with Subsection R655-4-11(11.4). A sanitary, weather-tight seal or a completely welded cap shall be placed on top of the protective cover, thus enclosing the well itself. If the sanitary seal is vented, screens shall be placed in the vent to prevent debris insects, and other animals from entering the well. This protective casing requirement does not apply to monitor wells.

11.3 Casing Joints.

11.3.1 General. All well casing joints shall be made water tight. In instances in which a reduction in casing diameter is made, there shall be enough overlap of the casings to prevent misalignment and to insure the making of an adequate seal in the annular space between casings to prevent the movement of unstable sediment or formation material into the well, in addition to preventing the degradation of the water supply by the migration of inferior quality water through the annular space between the two casings.

11.3.2 Steel Casing. All steel casing shall be screwcoupled or welded. If the joints are welded, the weld shall meet American Welding Society standards and be at least as thick as the wall thickness of the casing and shall consist of at least two beads for the full circumference of the joint and be fully penetrating. Spot welding of joints is prohibited. State engineer approval must be obtained for other steel casing joint types such as splined joints or dielectric couplings.

11.3.3 Plastic Casing. All plastic well casing shall be mechanically screw-coupled, chemically welded, cam-locked or lug coupled to provide water tight joints as per ANSI-ASTM F480-95. Metal screws driven into casing joints shall not be long enough to penetrate the inside surface of the casing. Metal screws should be used only when surrounding air temperatures are below 50 degrees Fahrenheit (F) which retards the normal setting of the cement. Solvent-welded joints shall not impart taste, odors, toxic substances, or bacterial contamination to the water in the well.

11.4 Surface Seals and Interval Seals.

<u>11.4.1</u> General. Before the drill rig is removed from the drill site of a well, a surface seal shall be installed. Well casings shall be sealed to prevent the possible downward movement of contaminated surface waters in the annular space around the well casing. The seal shall also prevent the upward movement of artesian waters within the annular space around the well casing. Depending upon hydrogeologic conditions around the well, interval seals may need to be installed to prevent the movement of groundwater either upward or downward around the well from zones that have been cased out of the well due to poor water quality or other reasons. The following surface and interval seal requirements apply equally to rotary drilled, cable tool drilled, bored, jetted, augered, and driven wells unless otherwise specified.

11.4.2 Seal Material.

11.4.2.1 General. The seal material shall consist of neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout as defined in Section R655-4-2. Use of sealing materials other than those listed in Section R655-4-11 must be approved by the state engineer. Bentonite drilling fluid, also known as drilling mud, dry drilling bentonite, or drill cuttings are not an acceptable sealing material. In no case shall drilling mud, drill cuttings, drill chips, or puddling clay be used, or allowed to fill, partially fill, or fall into the required sealing interval of a well during construction of the well. The annular space to be grouted must be protected from collapse and the introduction of materials other than grout. All hydrated sealing materials, such as neat cement grout, sand cement grout, and bentonite grout, shall be placed by tremie pipe, pumping, or pressure from the bottom of the seal interval upwards in one continuous operation when placed below a depth of 30 feet or when placed below static groundwater level. Neat cement and sand cement grouts must be allowed to cure a minimum of 24 hours before well drilling, construction, or testing may be resumed. Allowable setting times may be reduced or lengthened by use of accelerators or retardants specifically designed to change setting time, at the approval of the state engineer. The volume of annular space in the seal interval shall be calculated by the driller to determine the estimated volume of seal material required to seal the annular space. The driller shall place at least the volume of material equal to the volume of annular space, thus ensuring that a continuous seal is placed. The driller shall maintain the well casing centered in the borehole during seal placement using centralizers or other means to ensure that the seal is placed radially and vertically continuous. Neat cement and sand cement grout shall not be used for surface or interval seals with PVC and other approved non-metallic casing unless specific state engineer approval is obtained.

11.4.2.2 Bentonite Grout. Bentonite used to prepare grout for sealing shall have the ability to gel; not separate into water and solid materials after it gels; have a hydraulic conductivity or permeability value of 10E-7 centimeters per second or less; contain at least 20% solids by weight of bentonite, and have a fluid weight of 9.5 pounds per gallon or greater and be specifically designed for sealing. In addition, if a bentonite grout is to be placed in the vadose zone, also known as the unsaturated interval, then clean rounded fine sand shall be added to the bentonite grout to increase the overall solids content and stabilize the grout from dehydrating and cracking in that interval. For 20% solids bentonite grout, at least 100 pounds of clean rounded fine sand shall be added per 50 pounds of bentonite. For 30% solids bentonite grout, at least 50 pounds of clean fine sand shall be added per 50 pounds of bentonite. Bentonite grout shall not be used for sealing intervals of fractured rock or sealing intervals of highly unstable material that could collapse or displace the sealing material, unless otherwise approved by the state engineer. Bentonite grout shall not be used as a sealing material where rapidly flowing groundwater might erode it. Bentonite or polymer drilling fluid, also known as drilling mud, does not meet the definition of a grout with respect to density, gel strength, and solids content and shall not be used for sealing purposes. At no time shall bentonite grout contain materials that are toxic, polluting, develop odor or color changes, or serve as a micro-bacterial nutrient. All bentonite grout shall be prepared and installed according to the manufacturer's instructions and this rule. All additives must be certified by a recognized certification authority such as NSF and approved by the state engineer. All bentonite used in any well shall be certified by NSF-ANSI approved standards for use in potable water supply wells, or equivalent standards as approved by the state engineer.

11.4.2.3 Unhydrated Bentonite. Unhydrated bentonite, such as granular, tabular, pelletized, or chip bentonite, may be used in the construction of well seals above a depth of 50 feet. Unhydrated bentonite can be placed below a depth of 50 feet when placed inside the annulus of two casings, when placed using a tremie pipe, or by using a placement method approved by the state engineer. The bentonite material shall be specifically designed for well sealing and be within industry tolerances. All unhydrated bentonite used for sealing must be free of organic polymers and other contamination. Placement of bentonite shall conform to the manufacturer's specifications and instructions and result in a seal free of voids or bridges. Granular or powdered bentonite shall not be placed under water by gravity feeding from the surface. When placing unhydrated bentonite, a sounding or tamping tool shall be run in the sealing interval during pouring to measure fill-up rate, verify a continuous seal placement, and to break up possible bridges or cake formation.

11.4.3 Seal and Unperforated Casing Placement.

11.4.3.1 General Seal Requirements. The surface seal must be placed in an annular space that has a minimum diameter of four inches larger than the nominal size of the permanent well casing. This amounts to a 2-inch annulus. The surface seal must extend from land surface to a minimum depth of 30 feet. The completed surface seal must fully surround the permanent well casing, must be evenly distributed, free of voids, and extend to undisturbed or recompacted soil. In unconsolidated formations such as gravels, sands, or other unstable conditions when the use of drilling fluid or other means of keeping the borehole open are not employed, either a temporary surface casing with a minimum depth of 30 feet and a minimum nominal diameter of four inches greater than the outermost permanent casing shall be utilized to ensure proper seal placement or the well driller shall notify the state engineer's office that the seal will be placed in a potentially unstable open borehole without a temporary surface casing by telephone or fax in conjunction with the Start Card submittal to provide an opportunity for the state engineer's office to inspect the placement of the seal. If a temporary surface casing is utilized, the surface casing shall be removed in conjunction with the placement of the seal. Alternatively, conductor casing may be sealed permanently in place to a depth of 30 feet with a minimum 2-inch annular seal between the surface casing and borehole wall. If the temporary surface casing is to be removed, the surface casing shall be withdrawn as sealing material is placed between the outermost permanent well casing and borehole wall. The sealing material shall be kept at a sufficient height above the bottom of the temporary surface casing as it is withdrawn to prevent caving of the borehole wall. If the temporary conductor casing is driven in place without a 2-inch annular seal between the surface casing and borehole wall, the surface casing shall be removed. Specific state engineer approval must be obtained on a case by case basis for any variation of these requirements. Surface seals and unperforated casing shall be installed in wells located in unconsolidated formation such as sand and gravel with minor clay or confining units; unconsolidated formation consisting of stratified layers of materials such as sand, gravel, and clay or other confining units; and consolidated formations according to the following procedures.

<u>11.4.3.2</u> Unconsolidated Formation without Significant Confining Units. This includes wells that penetrate an aquifer overlain by unconsolidated formations such as sand and gravel without significant clay beds of at least six feet in thickness or other confining formations. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet. Permanent unperforated casing shall extend at least to a depth of 30 feet and also extend below the lowest anticipated pumping level. Additional casing placed in the open borehole below the required depths noted in Section R655-4-11 shall meet the casing requirements of Subsection R655-4-9(9.2) unless the casing is installed as a liner inside a larger diameter approved casing.

11.4.3.3 Unconsolidated Formation with Significant Confining Units. This includes wells that penetrate an aquifer overlain by clay or other confining formations that are at least six feet thick. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five feet into the confining unit above the water bearing formation. Unperforated casing shall extend from ground surface to at least 30 feet and to the bottom of the confining unit overlying the water bearing formation. If necessary to complete the well, a smaller diameter casing, liner, or well screen may be installed below the unperforated casing. The annular space between the two casings shall be sealed with grout, bentonite, or a mechanical packer. Additional casing placed in the open borehole below the required depths noted in Section R655-4-11 shall meet the casing requirements of Subsection R655-4-11(11.2) unless the casing is installed as a liner inside a larger diameter approved casing.

11.4.3.4 Consolidated Formation. This includes drilled wells that penetrate an aquifer, either within or overlain by a consolidated formation. The surface seal must be placed in a 2-inch annular space to a minimum depth of 30 feet and at least five feet into competent consolidated formation. Unperforated permanent casing shall be installed to extend to a depth of at least 30 feet and the lower part of the casing shall be driven and sealed at least five feet into the consolidated formation. If necessary to complete the well, a smaller diameter casing, liner, or well screen may be installed below the unperforated casing. The annular space between the two casings shall be sealed with grout, bentonite, or a mechanical packer. Additional casing placed in the open borehole below the required depths noted in Section R655-4-11 shall meet the casing installed as a liner inside a larger diameter approved casing.

<u>11.4.3.5 Sealing Artesian Wells. Unperforated well casing</u> shall extend into the confining stratum overlying the artesian zone, and shall be adequately sealed into the confining stratum to prevent both surface and subsurface leakage from the artesian zone. If leaks occur around the well casing or adjacent to the well, the well shall be completed with the seals, packers, or casing necessary to eliminate the leakage. The driller shall not move the drilling rig from the well site until leakage is completely stopped, unless authority for temporary removal of the drilling rig is granted by the state engineer, or when loss of life or property is imminent. If the well flows naturally at land surface due to artesian pressure, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times. All flowing artesian water supply wells shall be tested for artesian shut-in pressure in pounds per square inch and rate of flow in cubic feet per second, or gallons per minute, under free discharge conditions. This data shall be reported on the well log.

<u>11.4.3.6</u> Exceptions: With state engineer approval, exceptions to minimum seal depths can be made for shallow wells where the water to be produced is at a depth less than 30 feet. In no case shall a surface seal extend to a total depth less than 10 feet below land surface.

11.4.4 Interval Seals. Formations containing undesirable materials such as fine sand and silt that can damage pumping equipment and result in turbid water, contaminated groundwater, or poor quality groundwater must be sealed off so that the unfavorable formation cannot contribute to the performance and quality of the well. These zones, as well as zones with significantly differing pressures, must also be sealed to eliminate the potential of cross contamination or commingling between two aquifers of differing quality and pressure. Unless approved by the state engineer, construction of wells that cause the commingling or cross connection of otherwise separate aquifers is not allowed.

<u>11.4.5 Other Sealing Methods. In wells where the methods</u> of well sealing described in Section R655-4-11 do not apply, special sealing procedures can be approved by the state engineer upon written request by the licensed well driller.

<u>11.5</u> Special Requirements for Oversized and Gravel Packed Wells. This section applies to wells in which casing is installed in an open borehole without driving or drilling in the casing and an annular space is left between the borehole wall and well casing. For example, mud rotary wells, flooded reverse circulation wells, and air rotary wells in open bedrock.

11.5.1 Oversized Borehole. The diameter of the borehole shall be at least four inches larger than the outside diameter of the well casing to be installed to allow for proper placement of the gravel pack or formation stabilizer and adequate clearance for grouting and surface seal installations. To accept a smaller diameter casing in any oversized borehole penetrating unconsolidated or stratified formations, the annular space must be sealed in accordance with Subsection R655-4-11(11.4). To minimize the risk of: 1) borehole caving or collapse; 2) casing failure or collapse; or 3) axial distortion of the casing, it is required that the entire annular space in an oversized borehole between the casing and borehole wall be filled with formation stabilizer such as approved seal material, gravel pack, filter material or other state engineer-approved materials. Well casing placed in an oversized borehole should be suspended at the ground surface until all formation stabilizer material is placed to reduce axial distortion of the casing if it is allowed to rest on the bottom of an open oversized borehole. To accept a smaller diameter casing, the annular space in an oversized borehole penetrating unconsolidated formations with no confining layer must be sealed in accordance with Subsection R655-4-11(11.4) to a depth of at least 30 feet or from static water level to ground surface, whichever is deeper. The annular space in an oversized borehole penetrating stratified or consolidated formations must be sealed in accordance with Subsection R655-4-11(11.4) to a depth of at least 30 feet or five feet into an impervious strata such as clay or competent consolidated formation overlying the water producing zones back to ground surface, whichever is deeper. Especially in the case of an oversized borehole, the requirements of Subsection R655-4-11(11.4.4) regarding interval sealing must be followed.

11.5.2 Gravel Pack or Filter Material. The gravel pack or filter material shall consist of clean, well-rounded, chemically stable

grains that are smooth and uniform. The filter material should not contain more than 2% by weight of thin, flat, or elongated pieces and should not contain organic impurities or contaminants of any kind. To assure that no contamination is introduced into the well via the gravel pack, the gravel pack must be washed with a minimum 100 ppm solution of chlorinated water or dry hypochlorite mixed with the gravel pack at the surface before it is introduced into the well. See Table 7 of this rule for required amount of chlorine material.

11.5.3 Placement of Filter Material. All filter material shall be placed using a method that through common usage has been shown to minimize a) bridging of the material between the borehole and the casing, and b) excessive segregation of the material after it has been introduced into the annulus and before it settles into place. It is not acceptable to place filter material by pouring from the ground surface unless proper sounding devices are utilized to measure dynamic filter depth, evaluate pour rate, and minimize bridging and formation of voids.

<u>11.5.4</u> No Surface Casing Used. If no permanent conductor casing is installed, neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite seal shall be installed in accordance with Subsection R655-4-11(11.4).

11.5.5 Permanent Conductor Casing Used. If permanent conductor casing is installed, it shall be unperforated and installed and sealed in accordance with Subsection R655-4-11(11.4). After the gravel pack has been installed between the conductor casing and the well casing, the annular space between the two casings shall be sealed by either welding a watertight steel cap between the two casings at land surface or filling the annular space between the two casings with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite from at least 50 feet to the surface and in accordance with Subsection R655-4-11(11.4). If a hole will be created in the permanent conductor casing to install a pitless adapter into the well casing, the annual space between the conductor casing and well casing shall be sealed to at least a depth of 30 feet with neat cement grout, sand cement grout, bentonite grout, or unhydrated bentonite. A waterproof cap or weld ring sealing the two casings at the surface by itself without the annular seal between the two casings is unacceptable when a pitless adapter is installed in this fashion. Moreover in this case, the annular space between the surface casing and well casing must be at least 2 inches to facilitate seal placement.

11.5.6 Gravel Feed Pipe. If a gravel feed pipe, used to add gravel to the gravel pack after well completion, is installed, the diameter of the borehole in the sealing interval must be at least four inches in diameter greater than the permanent casing plus the diameter of the gravel feed pipe. The gravel feed pipe must have at least 2-inches of seal between it and the borehole wall. The gravel feed pipe must extend at least 18 inches above ground and must be sealed at the top with a watertight cap or plug.

11.5.7 Other Gravel Feed Options. If a permanent surface casing or conductor casing is installed in the construction of a filter pack well, a watertight, completely welded, steel plate, also known as a weld ring, at least 3/16 of an inch in thickness shall be installed between the inner production casing and the outer surface or conductor casing at the wellhead. A watertight fill port with threaded cap may be installed for placing additional filter pack material in the well.

11.6 Protection of the Aquifer.

<u>11.6.1</u> Drilling Fluids and LCMs. The well driller shall take due care to protect the producing aquifer from clogging or contamination. Organic substances or phosphate-based substances shall not be introduced into the well or borehole during drilling or construction. Every effort shall be made to remove all substances and materials introduced into the aquifer or aquifers during well construction. "Substances and materials" shall mean all bentoniteand polymer-based drilling fluids, filter cake, and any other inorganic substances added to the drilling fluid that may seal or clog the aquifer. All polymers and additives used in any well shall be certified by NSF-ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the state engineer. The introduction of lost circulation materials (LCM's) during the drilling process shall be limited to those products that will not present a potential medium for bacterial growth or contamination. Only LCM's which are non-organic, which can be safely broken down and removed from the borehole, may be utilized. Unacceptable LCM materials include paper or wood products, brans, hulls, grains, starches, hays or straws, and proteins. This is especially important in the construction of wells designed to be used as a public water system supply. All polymers and additives used in any well shall be certified by NSF-ANSI approval standards for use in potable water supply wells, or equivalent standards as approved by the Division. The product shall be clearly labeled as meeting these standards. Polymers and additives must be designed and manufactured to meet industry standards to be nondegrading and must not act as a medium which will promote growth of microorganisms.

<u>11.6.2</u> Containment of Drilling Fluid. Drilling or circulating fluid introduced into the drilling process shall be contained in a manner to prevent surface or subsurface contamination and to prevent degradation of natural or man-made water courses or impoundments. Requirements regarding the discharges to waters of the state are promulgated under Section R317-8-2 and regulated by the Utah Division of Water Quality,801-536-6146. Pollution of waters of the state is a violation of Title 19 Chapter 5, Utah Water Quality Act.

11.6.3 Mineralized, Contaminated or Polluted Water. When a water bearing stratum that contains nonpotable mineralized, contaminated or polluted water is encountered, the stratum shall be adequately sealed off so that contamination or co-mingling of the overlying or underlying groundwater zones will not occur. Water bearing zones with differing pressures must also be isolated and sealed off in the well to avoid aquifer depletion, wasting of water, and reduction of aquifer pressures.

<u>11.6.4</u> Down-hole Equipment. All tools, drilling equipment, and materials used to drill, repair, renovate, clean, or install a pump in a well shall be free of contaminants before beginning well construction or other in-well activity. Contaminants include lubricants, fuel, or bacteria that will reduce the well efficiency, and any other items that will be harmful to public health or the resource or reduce the life of the water well. It is recommended that excess lubricants placed on drilling equipment be wiped clean before insertion into the borehole.

11.6.5 Well Disinfection and Chlorination of Water. No contaminated or untreated water shall be placed in a well during construction. Water should be obtained from a chlorinated municipal system. Where this is not possible, the water must be treated to give at least 100 parts per million free chlorine residual. Upon completion of a well or work on a well, the driller or pump installer shall disinfect the well using accepted disinfection procedures to give at least 100 parts per million free chlorine residual equally distributed in the well water from static level to the bottom of the well. A chlorine solution designated for potable water use prepared with either calcium hypochlorite in powdered, granular, or tablet form or sodium hypochlorite in liquid form shall be used for water well disinfection. Off-the-shelf chlorine compounds intended for home laundry use, pool or fountain use should not be used if they contain additives such as antifungal agents, silica, or scents. Products labeled with "Ultra" may contain these additives. Table 7 provides the amount of chlorine compound required per 100 gallons of water or 100 feet linear casing volume of water to mix a 100 parts per million solution. Disinfection situations not depicted in Table 7 must be approved by the state engineer. Additional recommendations and guidelines for water well system disinfection are available from the state engineer upon request.

TABLE 7					
Amount of Chlorine Compound for Each 100 Feet of Water Standing in the Well -					
		<u>100 ppm solu</u>	tion	-	
Well	Ca-HyCLT*	Ca-HyCLT	Na-HyCLT**	Na-HyCLT**	
Diameter	25% HOCL	65% HOCL	<u>12-trade %</u>	100% Cl2	
inches	ounces	ounces	fluid ounces	pounds	
2	<u>1.00</u>	<u>0.50</u>	<u>3.5</u>	0.03	
<u>4</u>	<u>3.50</u>	<u>1.50</u>	<u>7.0</u>	<u>0.06</u>	
<u>6</u>	<u>8.00</u>	3.00	<u>16.0</u>	0.12	
8	14.50	<u>5.50</u>	28.0	0.22	
<u>10</u>	22.50	<u>8.50</u>	<u>45.0</u>	<u>0.34</u>	
<u>12</u>	32.50	<u>12.00</u>	<u>64.0</u>	<u>0.50</u>	
<u>14</u>	<u>44.50</u>	<u>16.50</u>	<u>88.0</u>	0.70	
<u>16</u>	<u>58.00</u>	<u>26.00</u>	<u>112</u>	0.88	
<u>20</u>	<u>90.50</u>	<u>33.00</u>	<u>179</u>	<u>1.36</u>	
For	<u>5.50</u>	<u>2.00</u>	<u>11.5</u>	<u>0.09</u>	
every					
<u>100</u>					
gallons					
of water,					
add:					
Note: *Calcium Hypochlorite - solid					
**Sodium Hypochlorite - liquid					
***Liquid Chlorine					

11.7 Special Requirements.

11.7.1 Explosives. Explosives used in well construction shall not be detonated within the section of casing designed or expected to serve as the surface seal of the completed well, whether or not the surface seal has been placed. If explosives are used in the construction of a well, their use shall be reported on the official well log. In no case shall explosives, other than explosive shot perforators specifically designed to perforate steel casing, be detonated inside the well casing or liner pipe.

<u>11.7.2 Access Port.</u> Every well shall be equipped with a usable access port so that the position of the water level, or pressure head, in the well can be measured at all times.

11.7.3 Completion or Abandonment. A licensed driller shall not remove the drill rig from a well site unless the well is completed or abandoned. Completion of a well shall include all surface seals, gravel packs or curbs required. Dry boreholes, or otherwise unsuccessful attempts at completing a well, shall be properly abandoned in accordance with Section R655-4-14. Upon completion, all wells shall be equipped with a watertight, tamperresistant casing cap or sanitary seal.

<u>11.7.4</u> Surface Security. If it becomes necessary for the driller to temporarily discontinue the drilling operation before completion of the well or otherwise leave the well or borehole unattended, the well or borehole must be covered securely to prevent

contaminants from entering the casing or borehole and rendered secure against entry by children, vandals, domestic animals, and wildlife.

11.7.5 Pitless Adapters and Units. Pitless adapters or units are acceptable to use with steel well casing as long as they are installed in accordance with manufacturers recommendations and specifications as well as meet the Water Systems Council Pitless Adapter Standard (PAS-97) which are incorporated by reference and are available from Water Systems Council, 13 Bentley Dr., Sterling, VA 20165, phone 703-430-6045, fax 703-430-6185, email watersystemscouncil.org. The pitless adaptor, including the cap or cover, casing extension, and other attachments, must be so designed and constructed to be secure, water tight, and to prevent contamination of the potable water supply from external sources. Pitless wellhead configurations shall have suitable access to the interior of the well to measure water level and for well disinfection purposes. Pitless configurations shall be of watertight construction throughout and be constructed of materials at least equivalent to and having wall thickness and strength compatible to the casing. Pitless adapters or units are not recommended to be mounted on PVC well casing. If a pitless adapter is to be used with PVC casing, it should be designed for use with PVC casing, and the driller should ensure that the weight of the pump and column do not exceed the strength of the PVC well casing. If it is known that a pitless adapter or unit will be installed on a well, a cement grout seal shall not be allowed within the pitless unit or pitless adaptor sealing interval as the well is being constructed. The pitless adapter or unit sealing interval shall be sealed with unhydrated bentonite as the well is constructed and before pitless installation. Upon pitless adapter or unit installation, the surface seal below the pitless connection shall be protected and maintained. After the pitless adapter or unit has been installed, the associated excavation around the well from the pitless connection to ground surface shall be backfilled and compacted with low permeability fill that includes clay. The pitless adapter or unit, including the cap or cover, pitless case and other attachments, shall be designed and constructed to be watertight to prevent the entrance of contaminants into the well from surface or near-surface sources.

11.7.6 Hydraulic Fracturing. The hydraulic fracturing pressure shall be transmitted through a drill string and shall not be transmitted to the well casing. Hydraulic fracturing intervals shall be at least 20 feet below the bottom of the permanent casing of a well. All hydraulic fracturing equipment shall be thoroughly disinfected with a 100 part per million chlorine solution before insertion into the well. The driller shall include the appropriate hydraulic fracturing information on the well log including methods, materials, maximum pressures, location of packers, and initial or final yields. In no case shall hydrofacturing allow commingling of waters within the well bore. Clean sand or other material such as propping agents approved by the Division may be injected into the well to hold the fractures open when pressure is removed.

<u>11.7.7</u> Static Water Level, Well Development, and Well Yield. To fulfill the requirements of Subsection R655-4-4(4.5.2), new wells designed to produce water shall be developed to remove drill cuttings, drilling mud, or other materials introduced into the well during construction and to restore the natural groundwater flow to the well to the extent possible. After a water production well is developed, a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Following development and testing, the static water level in the well should also be measured. Static water level, well development information, and well yield information shall be noted on the official submittal of the well log by the well driller. 11.7.8 Packers. Packers shall be of a material that will not impart taste, odor, toxic substances or bacterial contamination to the water in the well.

11.7.9 Screens. Screens must be constructed of corrosionresistant material and sufficiently strong to withstand stresses encountered during and after installation. Screen slot openings, screen length, and screen diameter should be sized and designed to provide sufficient open area consistent with strength requirements to transmit sand-free water from the well. Screens should be installed so that exposure above pumping level will not occur.

11.7.10 Openings in the Casing. There shall be no opening in the casing wall between the top of the casing and the bottom of the required casing seal except for pitless adapters, measurement access ports, and other approved openings installed in conformance with these standards. In no case shall holes be cut in the casing wall for lifting or lowering casing into the well bore unless such holes are properly welded closed and watertight before placement into the well bore.

<u>11.7.11</u> Casing vents. If a well requires venting, it must terminate in a down-turned position at least 18-inches above ground level, at or above the top of the casing or pitless unit and be covered with a 24 mesh corrosion-resistant screen.

R655-4-12. Special Wells.

12.1 Construction Standards for Special Wells.

12.1.1 General. The construction standards outlined in Section R655-4-11 are meant to serve as minimum acceptable construction standards. Certain types of wells such as cathodic protection wells, closed-loop heating or cooling exchange wells, recharge and recovery wells, and public supply wells require special construction standards that are addressed in this section or in rules promulgated by other regulating agencies. At a minimum, when constructing special wells, the well shall be constructed by a licensed well driller, and the minimum construction standards of Section R655-4-11 shall be followed in addition to the following special standards.

12.1.2 Public Water Supply Wells. Public water supply wells are subject to the minimum construction standards outlined in Section R655-4-11 in addition to the requirements established by the Department of Environmental Quality, Division of Drinking Water under Rules R309-515 and R309-600. Requirements in Rules R309-515 and R309-600 are regulated by the Division of Drinking Water and not by the Division of Water Rights and may include a preliminary evaluation report related to drinking water source protection, well plan and specification review and approval, and mandatory grout seal inspection. The Division of Drinking Water should be contacted to determine specific and current rules and requirements.

12.1.3 Cathodic Protection Well Construction. Cathodic protection wells shall be constructed in accordance with the casing, joint, surface seal, and other applicable requirements outlined in Section R655-4-11. Any annular space existing between the base of the annular surface seal and the top of the anode and conductive fill interval shall be filled with appropriate fill or sealing material. Fill material shall consist of washed granular material such as sand, pea gravel, or sealing material. Fill material shall not be subject to decomposition or consolidation and shall be free of pollutants and contaminants. Fill material shall not be toxic or contain drill cuttings or drilling mud. Additional sealing material shall be placed below the minimum depth of the annular surface seal, as needed, to prevent the cross connection and commingling of separate aquifers and water bearing zones. Vent pipes, anode access tubing, and any other tubular

materials comprising of the outmost casing that pass through the interval to be filled and sealed are considered casing for the purposes of these standards and shall meet the requirements of Subsections R655-4-11(11.2) and R655-4-11(11.3). Cathodic protection well casing shall be at least 2 inches in internal diameter to facilitate eventual well abandonment.

12.1.4 Closed-loop Heating-Cooling Exchange Wells. Wells or boreholes utilized for heat exchange or thermal heating in a closed-loop fashion, which are greater than 30 feet in depth and encounter formations containing groundwater, must be drilled by a licensed driller and the owner or applicant must have an approved application for that specific purpose as outlined in Section R655-4-9. Wells or boreholes installed for heat or thermal exchange process must comply with the minimum construction standards of Section R655-4-11. Direct exchange (DX) systems are allowed on a case by case basis as approved by the state engineer.

12.1.4.1 For open-loop systems where groundwater is removed, processed, and re-injected, a non-consumptive use water right approval must be obtained from the state engineer. Approval to re-inject water underground is also required from the Utah Division of Water Quality. Open-loop system wells shall be constructed in accordance with the requirements found in Section R655-4-11. If a separate well or borehole is required for re-injection purposes, it must also comply with these standards and the groundwater must be injected into the same water bearing zones as from which it is initially withdrawn. The quality and quantity of groundwater shall not be diminished or degraded upon re-injection.

12.1.4.2 Closed-loop heat exchange wells must also comply with the guidelines set forth in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed-Loop Heat Pump Systems, which are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, 614.898-7786, website Fax www.ngwa.org, email customerservice@ngwa.org, or standards set forth in the Design and Installation Standards for Closed-Loop Geothermal Heat Pump Systems, which are copyrighted and available from the International Ground Source Heat Pump Association at 374 Cordell South, Oklahoma State University, Stillwater, OK 74078-8018, www.igshpa.okstate.edu. These guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116. For closed-loop systems where groundwater is not removed in the process, non-production well approval must be obtained from the state engineer. Specific requirements for closed-loop wells include:

a. The location of closed-loop heat pump wells must comply with applicable ordinances, regulations, or other enforceable instruments of local governments to ensure adequate protection of public water systems from encroachments or any impairment of the groundwater resource. During drilling and construction, provisions shall be made to reduce entry of foreign matter or surface runoff into the well or borehole.

b. Closed-loop system wells must be sealed from the bottom of the well or boring to ground surface using acceptable materials and placement methods described in Subsection R655-4-11(11.4). Sand may be added to the seal mix to enhance thermal conductivity as long as the seal mix meets permeability and gel strength standards outlined in Subsection R655-4-11(11.4).

c. Borehole Diameter: The borehole diameter of a closedloop heat pump well must be of sufficient size to allow placement of the pipe and placement of a tremie to emplace the grout. In general, for loop piping with a nominal diameter of 3/4 to 1 inch, the borehole diameter shall be at least 4.75 inches. For loop piping with a nominal diameter of 1.25 inches, the borehole diameter shall be at least 5.25 inches. For loop piping with a nominal diameter of 1.5 to 2.0 inches, the borehole diameter shall be at least 6.0 inches.

d. Grouting of Vertical Ground Water Heat Pump Wells: Grouting the annulus of a heat pump well shall be completed within 24 hours from the time the borehole is drilled and loaded with the Ubend assembly and within at least 6 hours from the time the drill rig moves off the borehole. Full-length grout placement is required on all vertical closed-loop heat pump boreholes.

e. Placement of Grout Material: Full-length grout material must be placed by tremie from the bottom of the borehole to the top. The tremie pipe shall be continuously submerged in grout during placement. The tremie pipe must not be left in the borehole. The grout must fill the entire borehole. Grout must not be allowed to freefall. Once the grout has settled for at least 48 hours, borehole shall be topped off with additional grout as necessary to maintain seal material to ground surface.

f. Pipe: Pipe material, joining methods, and installation must meet the guidelines and standards referenced in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed-Loop Heat Pump Systems, which are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org, and in the Design and Installation Standards for Closed-Loop Geothermal Heat Pump Systems. Standards are copyrighted and available from the International Ground Source Heat Pump Association at 312 S. 4th Street, STE100, Springfield, IL 62701, www.igshpa.org, info@jgshpa.org. Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116. U-bend connections shall be factory jointed and piping shall not have any fusion joints below a depth of 30 feet.

g. Pressure Testing: Loop piping shall be filled with water and pressure tested before installation into the borehole. Loop piping failing this initial pressure testing shall not be installed. The installed system must be pressure tested at a minimum of two times the system operating pressure to ensure the integrity of the system. If a pressure loss is detected, the cause must be properly repaired or material replaced or properly plugged. The system shall be pressure tested again following any repairs. Pressure testing procedures shall follow the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed-Loop Heat Pump Systems, which are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org, and in the Design and Installation Standards for Closed-Loop Geothermal Heat Pump Systems. Standards are copyrighted and available from the International Ground Source Heat Pump Association at 312 S. 4th Street, STE100, Springfield, IL 62701, www.igshpa.org, info@igshpa.org. Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116.

h. Heat transfer fluid, additives, and inhibitors. The heat transfer fluids, additives, and inhibitors used inside the closed-loop assembly must be non-toxic, safe to install, provide corrosion protection, not promote bacterial growth, and not produce an unacceptable risk to the environment in the event of a system leak. Potassium acetate or ethylene glycol shall not be used as a heat transfer fluid. Water used in the heat transfer fluid mix must be from a treated potable source or be disinfected in accordance with this rule. Use and placement of fluids, additives, and inhibitors shall be in accordance with the guidelines and standards in the National Ground Water Association Guidelines for Construction of Vertical Boreholes for Closed-Loop Heat Pump Systems, which are copyrighted and available from the National Ground Water Association at 601 Dempsey Rd, Westerville, OH 43081-8978, Phone 614-898-7791, Fax 614.898-7786, email customerservice@ngwa.org, and in the Design and Installation Standards for Closed-Loop Geothermal Heat Pump Systems. Standards are copyrighted and available from the International Ground Source Heat Pump Association at 312 S. 4th Street, STE100, Springfield, IL 62701, www.igshpa.org, info@igshpa.org. Guidelines and standards may be viewed during normal business hours at the Division's main office at 1594 West North Temple, SLC, UT 84116.

i. Abandonment: When closed-loop heat exchange wells are required to be permanently abandoned, the standards referenced in Subsection R655-4-12(12.1.4.2) shall be followed. The state engineer shall be notified before loop field abandonment. All heat transfer fluids shall be flushed and removed from loop piping before abandonment. Below ground loop piping to be abandoned shall be filled completely with acceptable grout and the loop piping ends properly capped or sealed.

12.1.4.3 This rule pertains only to the heating and cooling exchange well constructed to a depth greater than 30 feet and are not intended to regulate the incidental work that may occur up to the well such as plumbing, electrical, piping, trenching, and backfilling activities.

12.1.5 Recharge and Recovery Wells. Any well drilled under Title 73, Chapter 3b of the Groundwater Recharge and Recovery Act shall be constructed in a manner consistent with this rule and shall be drilled by a currently licensed driller. Special rules regarding the injection of water into the ground are also promulgated under the jurisdiction of the Utah Department of Environmental Quality, Division of Water Quality under Rule R317-7 and must be followed in conjunction with the Water Well Drilling rules.

R655-4-13. Deepening, Rehabilitation, and Renovation of Wells. 13.1 Sealing of Casing.

13.1.1 If in the repair of a drilled well, the old casing is withdrawn, the well shall be recased and resealed in accordance with the requirements provided in Subsection R655-4-11(11.4).

13.2 Inner Casing.

13.2.1 If an inner casing is installed to prevent leakage of undesirable water into a well, the space between the two well casings shall be completely sealed using packers, casing swedging, or pressure grouting, to prevent the movement of water between the casings.

13.3 Outer Casing.

13.3.1 If the "over-drive" method is used to eliminate leakage around an existing well, the casing driven over the well shall meet the minimum specifications listed in Subsection R655-4-11(11.4).

13.4 Artesian Wells.

13.4.1 If upon deepening an existing well, an artesian zone is encountered, the well shall be cased and completed as provided in Subsection R655-4-11(11.4).

13.5 Drilling in a Dug Well.

13.5.1 A drilled well may be constructed through an existing dug well provided that:

<u>13.5.1.1</u> Unperforated Casing Requirements. An unperforated section of well casing extends from a depth of at least

ten feet below the bottom of the dug well and at least 20 feet below land surface to above the maximum static water level in the dug well.

13.5.1.2 Seal Required. A two-foot thick seal of neat cement grout, sand cement grout, or bentonite grout is placed in the bottom of the dug well so as to prevent the direct movement of water from the dug well into the drilled well.

13.5.1.3 Test of Seal. The drilled well shall be pumped or bailed to determine whether the seal described in Subsection R655-4-13(13.5.1.2) is adequate to prevent movement of water from the dug well into the drilled well. If the seal leaks, additional sealing and testing shall be performed until a water tight seal is obtained.

13.6 Well Rehabilitation and Cleaning.

<u>13.6.1</u> Tools used to rehabilitate or clean a well shall be cleaned, disinfected, and free of contamination before placement in a well.

13.6.2 The driller shall use rehabilitation and cleaning tools properly so as not to permanently damage the well or aquifer. If the surface seal is damaged or destroyed in the process of rehabilitation or cleaning, the driller shall repair the surface seal to the standards set forth in Subsection R655-4-11(11.4).

<u>13.6.3</u> Debris, sediment, and other materials displaced inside the well and surrounding aquifer as a result of rehabilitation or cleaning shall be completely removed by pumping, bailing, well development, or other approved methods.

development, or other approved methods. 13.6.4 Detergents, chlorine, acids, or other chemicals placed in wells for increasing or restoring yield, shall be specifically designed for that purpose and used according to the manufacturer's recommendations.

13.6.5 Any renovation, rehabilitation, cleaning, or other work on a well that requires alteration of the well itself shall be conducted by a licensed well driller.

<u>13.6.6</u> Following completion of deepening, renovation, rehabilitation, cleaning, or other work on a well, the well shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).

R655-4-14. Abandonment of Wells.

14.1 Temporary Abandonment.

14.1.1 When any well is temporarily removed from service, the top of the well shall be sealed with a tamper-resistant, watertight cap or seal. If a well is in the process of being drilled and is temporarily abandoned, the well shall be sealed with a tamper-resistant, watertight cap or seal and a surface seal installed in accordance with Subsection R655-4-11(11.4). The well may be temporarily abandoned during construction for a maximum of 90 days. After the 90 day period, the temporarily abandoned well shall be completed as a well that meets the standards of Section R655-4-11 or permanently abandoned in accordance with the following requirements, and an official well abandonment report, also known as an abandonment log, must be submitted in compliance with Section R655-4-4.

14.2 Permanent Abandonment.

14.2.1 This section applies to the abandonment of the type of wells listed in Subsection R655-4-1(1.2) including private water wells, public supply wells, monitor wells, cathodic protection wells, and heating or cooling exchange wells. A licensed driller shall notify the state engineer before commencing abandonment work of an existing well and submit a complete and accurate abandonment log following abandonment work in accordance with Section R655-4-4. Before commencing abandonment work, the driller shall obtain a copy of the well log of the well proposed to be abandoned from the well owner or the state engineer, if available, to determine the proper abandonment procedure. Any well that is to be permanently abandoned shall be completely filled from bottom to top in a manner to prevent vertical movement of water within the borehole as well as preventing the annular space surrounding the well casing from becoming a conduit for possible contamination of the groundwater supply. A well driller who wishes to abandon a well in a manner that does not comply with the provisions set forth in this section must request approval from the state engineer.

14.3 License Required.

14.3.1 Well abandonment shall be accomplished under the direct supervision of a currently licensed water well driller who shall be responsible for verification of the procedures and materials used.

14.4 Acceptable Materials.

14.4.1 Neat cement grout, sand cement grout, unhydrated bentonite, or bentonite grout in accordance with Subsection R655-4-11(11.4) shall be used to abandon wells and boreholes. Other sealing materials or additives, such as fly ash, may be used in the preparation of grout upon approval of the state engineer. Drilling mud or drill cuttings shall not be used as any part of a sealing materials for well abandonment. The liquid phase of the abandonment fluid shall be water from a potable municipal system or disinfected in accordance with Subsection R655-4-11(11.6.5).

14.5 Placement of Materials.

14.5.1 Neat cement and sand cement grout shall be introduced at the bottom of the well or required sealing interval and placed progressively upward to the top of the well. The sealing material shall be placed by the use of a grout pipe, tremie line, dump bailer or equivalent to avoid freefall, bridging, or dilution of the sealing materials or separation of aggregates from sealants. Sealing material shall not be installed by freefall or gravity unless the interval to be sealed is dry and no deeper than 30 feet below ground surface. If the well to be abandoned is a flowing artesian well, the well may be pressure grouted from the surface. The well should be capped immediately after placement of seal materials to allow the seal material to set up and not flow out of the well.

14.5.2 Bentonite-based abandonment products shall be mixed and placed according to manufacturer's recommended procedures and result in a seal free of voids or bridges. Granular or powered bentonite shall not be placed under water. When placing unhydrated bentonite, a sounding or tamping tool shall be run in the sealing interval during pouring to measure fill-up rate, verify a continuous seal placement, and to break up possible bridges or cake formation.

14.5.3 If seal material settlement occurs during placement and set up, the top of the abandoned well casing or borehole shall be topped off with approved sealing material until the seal top remains at the natural ground surface.

14.5.4 Abandonment materials placed opposite any nonwater bearing intervals or zones shall be at least as impervious as the formation or strata before penetration during the drilling process.

14.5.5 Before well or borehole abandonment, all pump equipment, piping, and other debris shall be removed to the extent possible. The well shall also be sounded immediately before it is plugged to make sure that no obstructions exist that will interfere with the filling and sealing. If the well contains lubricating oil that has leaked from a turbine shaft pump, it shall be removed from the well before abandonment and disposed of in accordance with applicable state and federal regulations.

14.5.6 Verification shall be made that the volume of sealing and fill material placed in a well during abandonment operations equals or exceeds the volume of the well or borehole to be filled and sealed.

14.6 Termination of Casing.

14.6.1 The casings of wells to be abandoned shall be severed to the natural ground surface or deeper if necessitated by development of the area. If the casing is severed below ground surface, compacted native material shall be placed above the abandoned well upon completion.

14.7 Abandonment of Artesian Wells.

14.7.1 A neat cement grout, sand cement grout, or concrete plug shall be placed in the confining stratum overlying the artesian zone so as to prevent subsurface leakage from the artesian zone. The rest of the well shall be filled with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.8 Abandonment of Drilled and Jetted Wells.

14.8.1 A neat cement grout or sand cement grout plug shall be placed opposite all perforations, screens or openings in the well casing. The rest of the well shall be filled with cement grout, neat cement, bentonite abandonment products, concrete, or bentonite slurry. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.9 Abandonment of Gravel Packed Wells.

14.9.1 All gravel packed wells shall be pressure grouted throughout the perforated or screened section of the well. The rest of the well shall be filled with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. If gravel pack extends above or below the perforated or screened interval in the annular space between the casing and borehole wall, additional perforations in that blank interval of casing shall be required. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.10 Removal of Casing.

14.10.1 Where possible, it is recommended that the well casing be removed during well abandonment, and when doing so, the abandonment materials shall be placed from the bottom of the well or borehole progressively upward as the casing is removed. The well shall be sealed with sand cement grout, neat cement grout, bentonite abandonment products, or bentonite grout. In the case of gravel packed wells, the entire gravel section shall be pressure grouted. The uppermost ten feet of the well shall be abandoned as required in Subsection R655-4-14(14.5.3).

14.11 Replacement Wells.

14.11.1 Wells which are to be removed from operation and replaced by the drilling of a new well under an approved replacement application, shall be abandoned in a manner consistent with Section R655-4-14 before the rig is removed from the site of the newly constructed replacement well, unless written authorization to remove the rig without abandonment is provided by the state engineer. Also refer to the requirements provided in Subsection R655-4-4(4.4).

14.12 Abandonment of Cathodic Protection Wells.

14.12.1 The general requirements for permanent well abandonment in accordance with Section R655-4-14 shall be followed for the abandonment of cathodic protection wells.

14.12.2 A cathodic protection well shall be investigated before it is destroyed to determine its condition, details of its construction and whether conditions exist that will interfere with filling and sealing.

14.12.3 Casing, cables, anodes, granular backfill, conductive backfill, and sealing material shall be removed as needed, by re-drilling, if necessary, to the point needed to allow proper placement of abandonment material. Casing that cannot be removed shall be adequately perforated or punctured at specific intervals to allow pressure injection of sealing materials into granular backfill and all other voids that require sealing.

R655-4-15. Monitor Well Construction Standards.

15.1 Scope.

15.1.1 Certain construction standards that apply to water wells also apply to monitor wells. Therefore, these monitoring well standards refer frequently to the water well standard sections of this rule. Standards that apply only to monitor wells, or that require emphasis, are discussed in this section.

15.1.2 These standards are not intended as a complete manual for monitoring well construction, alteration, maintenance, and abandonment. These standards serve only as minimum statewide guidelines towards ensuring that monitor wells do not constitute a significant pathway for the movement of poor quality water, pollutants, or contaminants. These standards provide no assurance that a monitor well will perform a desired function. Ultimate responsibility for the design and performance of a monitoring well rests with the well owner or the owner's contractor, or technical representatives. Most monitor well projects are the result of compliance with the Environmental Protection Agency (EPA), Federal Regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or "Superfund"), or specific State Solid and Hazardous Waste requirements. The contracts governing their installation are tightly written containing specific requirements as to site location, materials used, sampling procedures and overall objectives. Therefore, specific construction requirements for monitor well installation shall be governed by applicable contracts and regulations providing they meet or exceed state requirements and specifications. Guidelines and recommended practices dealing with the installation of monitor wells may be obtained from the state engineer upon request. Additional recommended information may be obtained from the Environmental Protection Agency (EPA), Resource Conservation and Recovery Act (RCRA), Groundwater Monitoring Enforcement and Compliance Document available from EPA's regional office in Denver, Colorado and from the Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells, available from the National Groundwater Association in Dublin, Ohio.

15.2 Installation and Construction.

15.2.1 Materials and Equipment Contaminant-Free. All material used in the installation of monitor wells shall be contaminant-free when placed in the ground. Drilling equipment shall be clean and contaminant-free in accordance with Subsection R655-4-11(11.6.4). During construction contaminated water should not be allowed to enter contaminant-free geologic formations or water bearing zones.

15.2.2 Borehole Integrity. Some minor cross contamination may occur during the drilling process, but the integrity of the borehole and individual formations must then be safeguarded from permanent cross connection.

15.2.3 Casing and Screen. The well casing should be perforated or screened and filter packed with sand or gravel where necessary to provide adequate sample collection at depths where appropriate aquifer flow zones exist. The casing and screen selected shall not affect or interfere with the chemical, physical, radiological, or biological constituents of interest. Screens in the same well shall not be placed across separate water bearing zones to minimize interconnection, aquifer commingling, and cross contamination. Screens in a nested well can be placed in separate water bearing zones as long as the intervals between the water bearing zones are appropriately sealed and aquifer cross connection and commingling does not occur. Monitor well casing and screen shall conform to ASTM standards, or consist of at least 304 or 316 stainless steel, PTFE (Teflon), or Schedule 40 PVC casing.

15.2.4 Gravel or Filter Pack. If installed, the gravel or filter pack should generally extend two feet to ten feet above screened or perforated areas to prevent the migration of the sealing material from entering the zones being sampled. Gravel or filter pack material shall meet the requirements of Subsection R655-4-11(11.5.2). Gravel or filter pack for monitoring wells does not require disinfection. Drill cutting should not be placed into the open borehole annulus. The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the gravel pack by a sounding device or other mechanism.

15.2.5 Annular Seal. All monitor wells constructed shall have a continuous surface seal, which seals the annular space between the borehole and the permanent casing, in accordance with the provisions in Section R655-4-11. The surface seal depth requirements of Section R655-4-11 do not apply to monitor wells. The surface seal may be more or less than 30 feet depending on the screen or perforation or gravel pack interval. Seals shall also be constructed to prevent interconnection and commingling of separate aquifers penetrated by the well, prevent migration of surface water and contaminations into the well and aquifers, and shall provide casing stability. The seal shall have a minimum diameter of four inches larger than the nominal size of the permanent casing, and shall extend from land surface to the top of the filter pack. After the permanent casing and optional filter pack has been set in final position, a layer of bentonite or fine sand such as mortar sand shall be placed on top of the filter pack to maintain separation between the seal material and the screened interval to insure that the seal placement will not interfere with the filter pack. The remaining annular space shall be filled to land surface in a continuous operation with unhydrated bentonite, neat cement grout, sand cement grout, or bentonite grout. Only potable water should be used to hydrate any grout or slurry mixture. The completed annular space shall fully surround the permanent casing, be evenly distributed, free of voids, and extend from the permanent casing to undisturbed or recompacted soil. All sealing materials and placement methods shall conform to the standards in Section R655-4-2 and Subsection R655-4-11(11.4). The well driller shall ensure that a bridge or voids do not occur in the annular space during the placement of the seal.

15.2.6 Cuttings, Decon Water, Development Water, and Other IDW. Drill cuttings, decontamination (Decon) water, monitor well development water, and other investigation derived waste (IDW) shall be managed and disposed of in accordance with applicable state and federal environmental regulations. It is the responsibility of the driller to know and understand such requirements.

15.3 Minimum Surface Protection Requirements.

15.3.1 If a well is cased with metal and completed above ground surface, a locking water resistant cap shall be installed on the top of the well.

15.3.2 If the well is not cased with metal and completed above ground surface, a protective metal casing shall be installed over and around the well. The protective casing shall be cemented at least two feet into the ground around the non-metallic casing. A water tight cap shall be installed in the top of the well casing. A locking cap shall be installed on the top of the protective casing.

15.3.3 Monitor wells completed above ground and potentially accessible to vehicular damage shall be protected in the following manner. At least three metal posts, at least three inches in

diameter, shall be cemented in place around the casing. Each post shall extend at least three feet above and two feet below ground surface. A concrete pad may be installed to add protection to the surface completion. If installed, the concrete pad shall be at least four inches thick and shall slope to drain away from the well casing. The base shall extend at least two feet laterally in all directions from the outside of the well boring. When a concrete pad is used, the well seal may be part of the concrete pad.

15.3.4 If the well is completed below land surface, a water tight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The monument and cover must be designed to withstand the maximum expected load.

15.4 Abandonment.

15.4.1 Abandonment of monitor wells shall be completed in compliance with Section R655-4-14. The requirements in Section R655-4-14 are not required for the permanent abandonment of monitor wells completed at a depth of 30 feet below natural ground surface.

R655-4-16. Pump Installation and Repair.

16.1 Pump installation practices. All pump installations shall be completed in such a manner as to prevent waste and contamination of groundwater by pollution material entering the well from pumping equipment, casing connectors, fittings, piping, sanitary seals or caps.

<u>16.2</u> Surface Seal. If in the process of pump installation or repair, the well's surface seal is disturbed or damaged, it shall be repaired and resealed in accordance with the standards provided in Subsection R655-4-11(11.4).

16.3 Tools, Equipment, and Materials. Down-hole tools and equipment used in performance of pump installation and repair shall be cleaned, disinfected, and free of contamination before placement in a well. All tools, drilling equipment, and materials used to drill a well shall be free of contaminants before beginning pumprelated work. Contaminants include lubricants, fuel, or bacteria that will reduce the well efficiency, and any other items that will be harmful to public health or the resource or reduce the life of the water well. It is recommended that excess lubricants placed on equipment be wiped clean before insertion into the well. Thread compounds, sealants, and lubricants must not exceed the maximum contaminant levels for chemicals, taste, and odor. The licensee shall use pumprelated tools and equipment properly so as not to permanently damage the well or aquifer.

<u>16.4</u> Disinfection. Following completion of pump installation and repair work on a well, the well, pump, and in-well discharge piping shall be properly disinfected in accordance with Subsection R655-4-11(11.6.5).

16.5. Product, material, and Process Standards. Any product, material or procedure designed for use related to pump installation and repair of water production or non-production wells, which has received certification and approval for its intended use by the National Sanitation Foundation (NSF) under ANSI-NSF Standard 60 or 61, the American Society for Testing Materials (ASTM), the American Water Works Association (AWWA) or the American National Standards Institute (ANSI) may be utilized. Other products, materials or procedures may also be utilized for their intended purpose upon manufacturers certification that they meet or exceed the standards or certifications referred to in this section and upon state engineer approval. Organic substances shall not be introduced into the well or borehole during pump installation and repair work.

16.6 Surface Completions. Pump installers shall leave the well surface completion upon completion of pump installation or repair work in accordance with the standards in Section R655-4-11 as it pertains to casing stick-up, steel or PVC casing extensions, sanitary capping and venting, and protective casings. Upon completion, all wells shall be equipped with a watertight, tamperresistant casing cap or sanitary seal.

<u>16.7</u> Flowing Artesian Wells. In accordance with Subsection R655-4-11(11.4.3.5), artesian wells that flow naturally at the surface, the well shall be equipped with a control valve so that the flow can be completely stopped. The control valve must be available for inspection by the state engineer at all times.

16.8 Seals Between Casings. If the well is constructed of multiple casing strings at or near the ground surface and if a pitless adapter or unit is installed, the standards of Subsection R655-4-11(11.5.5) shall be employed to ensure proper sealing between casings is maintained.

16.9 Water Level and Flow Measurement. Following pump installation and repair work, the well shall be left in such a manner to allow for access to water level measurements in accordance with Subsection R655-4-11(11.7.2). After pump installation and repair work is completed on a well, the static water level should be measured after which a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Pumping water level should be measured and recorded during this test. Static water level and well testing information shall be noted on the official submittal of the Pump Log by the pump installer or well driller.

16.10 Surface Security. If it becomes necessary for the pump installer to temporarily discontinue operation on a well before completion or otherwise leave the well unattended, the well must be covered securely to prevent contaminants from entering the casing and rendered secure against entry by children, vandals, domestic animals, and wildlife.

16.11 Above-grade connections. An above-grade connection into the top or side of a well casing shall be at least 18inches above the land surface and shall be constructed so as to exclude dirt or other foreign matter by at least one of the following methods, as may be applicable:

(A) threaded connection;

(B) welded connection;

(C) expansion sealer;

(D) bolted flanges with rubber gaskets;

(E) overlapping well cap; or

(F) if a water well pump is mounted or sealed on a concrete pedestal, the casing shall extend at least to the top of the pedestal and at least 18-inches above the land surface.

16.12 Pitless Connections. Pitless adapters and units shall be installed in accordance with the standards set forth in Subsection R655-4-11(11.7.5). Pitless adapters shall be installed below the frost line. A below ground connection shall not be submerged in water when installed. Holes cut in the casing through which the pitless adapters are installed must be sized and constructed to guarantee a watertight seal with the pitless adapter in place.

16.13 Backflow Protection. When a check valve or foot valve is not a part of the pump, a check valve or back-siphon prevention device shall be installed on the pump discharge line within the well or beyond the well to eliminate the opportunity for contaminated water to backflush into the well. Such device must be designed to direct or isolate the water flow to prevent water in the distribution line from running back down the well during removal or repair to the pump and pumping equipment. When a flow meter is installed on a well the meter must be located downstream from the backflow preventer and be placed in accordance with manufacturer spacing specifications.

16.14 Hand Pumps. Hand pumps shall be of the force type equipped with a packing gland around the pump rod, a delivery spout that is closed and downward directed, and a one-piece bell-type base that is part of the pump stand or is attached to the pump column in a watertight manner. The bell base of the pump shall be bolted with a gasket to a flange that is securely attached to the casing or pipe sleeve.

16.15 Pumping Water Level. In a screened or perforated well, the well pump setting and suction inlet shall be located so that the pumping level of the water cannot be drawn below the top of the screen.

16.16 Pump and Column or Drop Pipe Removal. During any repair or installation of a water well pump, the licensed installer shall make a reasonable effort to maintain the integrity of ground water and to prevent contamination by elevating the pump column and fittings, or by other means suitable under the circumstances.

R655-4-17. Shallow Water Well Construction Requirements.

17.0 General. Shallow water wells at a depth of 30 feet or less shall be constructed and equipped by a licensed well driller pump installer, or shallow water well constructor. Shallow water wells shall be constructed using methods and materials that will result in a well that is safe for the public and environment and not a source of subsurface leakage, waste, or contamination of the groundwater resource. The well drilling and construction requirements for wells deeper than 30 feet found in Section R655-4-11 do not apply to shallow water wells that are 30-feet deep or less.

17.1 Approved Products, Materials, and Procedures. Any product, material or procedure designed for use in the drilling, construction, cleaning, renovation, development, or abandonment of shallow water production wells shall be designed for that purpose and be safe for the public and environment.

17.2 Shallow Water Well Casing. It shall be the sole responsibility of the well driller or shallow water well constructor to determine the suitability of any type of well casing for the particular well being constructed.

17.2.1 Casing Stick-up. The well casing shall extend a minimum of 18 inches above finished ground level and the natural ground surface should slope away from the casing. A secure sanitary, weatherproof mechanically secured cap, seal, or a completely welded cap shall be placed on the top of the well casing to prevent contamination of the well.

17.3 Surface Seals. A surface seal shall be installed in the annular space between the well casing and borehole wall from ground surface to an appropriate depth to protect the well from surface water contamination. The seal shall also prevent the upward movement of artesian waters within the annular space around the well casing.

<u>17.3.1 Seal Material. The seal material shall consist of neat</u> cement grout, sand cement grout, or unhydrated bentonite such as granular, tabular, pelletized, or chip bentonite, as defined in Section <u>R655-4-2.</u>

17.4 Access Port. Every shallow water well shall be equipped with a usable access port so that the position of the water level, or pressure head, in the well can be measured at all times.

<u>17.5</u> Static Water Level, Well Development, and Well Yield. To fulfill the requirements of Subsection R655-4-4(4.5.2), new wells designed to produce water shall be developed to remove

sediment and materials introduced during construction and to restore the natural groundwater flow to the well to the extent possible. After a water production well is developed, a test should be performed to determine the rate at which groundwater can be reliably produced from the well. Following development and testing, the static water level in the well should also be measured. Static water level, well development information, and well yield information shall be noted on the official submittal of the well log by the licensee.

17.6 Pump Work. All pump installations shall be completed in such a manner as to prevent waste and contamination of groundwater by pollution material entering the well from pumping equipment, casing connectors, fittings, piping, sanitary seals or caps.

KEY: water wells, pump installers, well drillers license<u>, shallow</u> water well constructor Date of Last Change: <u>2022[April 9, 2018]</u>

Notice of Continuation: July 27, 2019

Authorizing, and Implemented or Interpreted Law: 73-3

NOTICE OF PROPOSED RULE			
TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R746-409-1	Filing ID 54621	

Agency Information

1. Department:	Public Service Commission		
Agency:	Administration		
Building:	Heber M	I Wells Building	
Street address:	160 E 30	00 S, 4th Floor	
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 144558		
City, state and zip:	Salt Lake City, UT 84114-4558		
Contact person(s):			
Name:	Phone:	Email:	
Yvonne Hogle	801- yhogle@utah.gov 530- 6709		
Please address questions regarding information on this			

notice to the agency.

General Information

R746-409-1. General Provisions

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

Section R746-409-1 of the Public Service Commission Administrative Procedures Act Rules incorporates by reference provisions of the Code of Federal Regulations pertaining to pipeline safety. The federal guidelines for states participating in the Federal Pipeline Safety Grant program have changed since 09/01/2019. As a participant, the State of Utah must therefore update this rule to adopt amendments that have been added to the federal regulations after the date currently shown in this state rule.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

Amendments have been added to Parts 190, 191, and 192 of the Code of Federal Regulations since 09/01/2019.

Part 190 – Enhanced Emergency Order Procedures. These amendments establish procedures for the issuance of emergency orders to address an unsafe condition or practice, or a combination of unsafe conditions or practices that constitute or cause an imminent hazard to public health and safety or the environment. The regulations describe the duration and scope of such orders and provide a mechanism by which pipeline owners and operators subject to, and aggrieved by, emergency orders can seek administrative or judicial review.

Part 191 – Safety Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments. The amendments in this final rule address the reporting of exceedances of MAOP and the expansion of Integrity Management assessments.

Gas Pipeline Regulatory Reform - PHMSA is amending the Federal Pipeline Safety Regulations to ease regulatory burdens on the construction, maintenance, and operation of gas transmission, distribution, and gathering pipeline systems without adversely affecting safety. The amendments in this rule are based on rulemaking petitions from stakeholders, and DOT and PHMSA initiatives to identify appropriate areas where regulations might be repealed, replaced, or modified, and PHMSA's review of public comments. PHMSA also, as of the effective date of this final rule, withdraws the March 29, 2019, "Exercise of Enforcement Discretion Regarding Farm Taps" and the unpublished October 27, 2015 letter to the Interstate Natural Gas Association of America announcing a stay of enforcement pertaining to certain pressure vessels.

Part 192: Safety of Gas Transmission Pipelines, MAOP Reconfirmation, Expansion of Assessment Requirements and Other Related Amendments. The amendments in this final rule address the exceedances of maximum allowable operating pressure, the consideration of seismicity as a risk factor in integrity management, safety features on inline inspection launchers and receivers, a 6-month grace period for 7-calendar-year integrity management reassessment intervals, and related recordkeeping provisions.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

None--The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect the state budget because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect state government budgets.

B) Local governments:

None--The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect local governments because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect local government budgets.

C) Small businesses ("small business" means a business employing 1-49 persons):

None--The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect small businesses because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

None--The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect non-small businesses because operators will continue to remain compliant with the federal and state pipeline safety rules without incurring any more than negligible cost increases, if any. The changes do not affect non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

None--Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments to this rule since 09/01/2019 are not anticipated to add any more than negligible cost increases, if any. Therefore, the amendment should have no fiscal impact.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

None--Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments to this rule since 09/01/2019 are not anticipated to add to any costs. Therefore, the amendment should have no fiscal impact.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The amendment should not impact businesses. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Section 54-13-3. However, the amendments to the rule since 09/01/2019 are not anticipated to add any more than negligible cost increases, if any. Therefore, the amendment should have no fiscal impact. Thad LeVar, PSC Chair

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

NOTICES OF PROPOSED RULES

Net Fiscal Benefits	\$0	\$0	\$0
B) Departme analysis:	ent head app	roval of regu	latory impact
The Chair of th	he Public Servi	ice Commissio	n Thad LeVar

has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 54-13-3 Section 54-13-5 Section 54-13-6

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations, Title 49
Publisher	Office of the Federal Register
Date Issued	2021
Issue, or version	2021

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Thad LeVar, PSC	Date:	06/09/2022
or designee,	Chair		
and title:			

R746. Public Service Commission, Administration. R746-409. Pipeline Safety.

R746-409-1. General Provisions.

A. Scope and Applicability -- Pursuant to Title 54, Chapter 13, <u>Natural Gas Pipeline Safety</u>, the following rules shall apply to

persons engaged in the transportation of gas as defined in CFR Title 49 Parts 191 and 192.

B. Adoption of parts of CFR Title 49 -- The Commission adopts and incorporates by this reference the following parts of CFR Title 49, effective September 1, 20[19]21:

1. Part 190 with the exclusion of Part 190.223 which is superseded by [Title 54, Chapter 13, Part 8,]Section 54-13-8, Violation of chapter -- Penalty;

- 2. Part 191;
- 3. Part 192;
- 4. Part 193;
 5. Part 198; and
- Fart 198; al
 Part 198; al
- 0. Fait 199

C. Persons engaged in the transportation of gas, including distribution of gas through a master-metered system, shall comply with the requirements of CFR Title 49, identified in Section R746-409-1.B, including all minimum safety standards.

KEY: rules and procedures, safety, pipelines Date of Last Change: <u>2022[February 10, 2020]</u> Notice of Continuation: March 10, 2021

Authorizing, and Implemented or Interpreted Law: 54-13-3; 54-13-5; 54-13-6

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R765-119	Filing ID 54661

Agency Information

1. Department:	Higher Education (Utah Board of)		
Agency:	Administration		
Building:	Board of Regents Building, The Gateway		
Street address:	60 S 40) W	
City, state and zip:	Salt Lake City, UT 84101		
Contact person(s):		
Name:	Phone:	Email:	
Kevin V. Olsen	801- 556- 3461	kvolsen@agutah.gov	
Geoffrey T. Landward	801- 321- 7136	glandward@ushe.edu	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule or section catchline:

R765-119. Utah Board of Higher Education Qualifications

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This purpose of this new rule is to establish the qualifications for appointment to the Utah Board of Higher Education.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This rule establishes the range of expertise, the varied areas of expertise, and the varied geographic representation of the members of the Utah Board of Higher Education.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

Enactment of this rule likely will not materially impact state revenue because this rule applies only to individuals who are considered for appointment to the Utah Board of Higher Education.

B) Local governments:

Enactment of this rule likely will not result in direct, measurable costs for local governments because this rule does not apply to or affect local governments

C) Small businesses ("small business" means a business employing 1-49 persons):

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for small businesses because this rule does not apply to or affect small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Enactment of this rule likely will not result in direct expenditures from tax or fee changes for non-small businesses because this rule does not apply to or affect non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

Enactment of this rule likely will not change the regulatory burden for persons other than small businesses, non-small businesses, state, or local government entities because this rule applies only to individuals who are considered for appointment to the Utah Board of Higher Education.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This rule does not create any compliance costs for affected persons since it affects only their consideration for appointment to the Utah Board of Higher Education.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule affects individuals who are considered for appointment to the Utah Board of Higher Education and has no fiscal impact on businesses. David R. Woostenhulme, Commissioner

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
₋ocal Governments	\$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

B) Department head approval of regulatory impact analysis:

The Commissioner of Higher Education, David R. Woolstenhulme, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 53B-1-405

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head	Kevin V. Olsen,	Date:	05/27/2022
or designee,	Assistant Attorney		
and title:	General		

R765. Higher Education (Utah Board of), Administration. <u>R765-119. Utah Board of Higher Education Qualifications.</u> <u>R765-119-1. Purpose.</u>

This rule establishes qualifications for appointment to the Utah Board of Higher Education.

R765-119-2. Authority.

This rule is authorized by Section 53B-1-405.

R765-119-3. Definitions.

(1) "Board" means Utah Board of Higher Education.

R765-119-4. Qualifications.

In accordance with Section 53B-1-405, the board shall be made up of members with collective expertise and knowledge in the areas of business, industry, technical education, general education, and advanced education and research in finance, accounting, auditing, law, facilities, real estate, educational delivery models, workforce development, economic development, K-12 education, higher education, educational quality assessments, and financial aid. The board shall also have members with collective experience working in inclusion, diversity, and equity, and with underrepresented students, first-generation college students, and underserved communities. Additionally, the board shall include members who are first-generation college students or have been members of a board of trustees, or both.

R765-119-5. Board Composition.

Nominees shall be sought from non-traditional and diverse backgrounds, areas of expertise, and representative geography.

Board members shall be appointed, and the board composed, in a manner to reflect balanced and varied representation of the abovelisted factors.

R765-119-6. Time Commitment.

Preference may be given to individuals who, along with being well-qualified, are available to devote considerable time per month to board service.

KEY: Utah Board of Higher Education, Membership, <u>Oualifications</u>

Date of Last Change: 2022

Authorizing, and Implemented or Interpreted Law: 53B-1-405

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):		Filing ID 54665	

Agency Information

	igeney internation			
1. Department:	Workforce Services			
Agency:	Employr	nent Development		
Building:	Olene W	/alker Building		
Street address:	140 E 30	00 S		
City, state and zip:	Salt Lake City, UT 84111			
Mailing address:	PO Box 45244			
City, state and zip:	Salt Lake City, UT 84145-0244			
Contact person(s):			
Name:	Phone:	Email:		
Amanda B. McPeck	801- ampeck@utah.gov 526- 9653			
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule or section catchline:

R986-700-707.1. Initial Registration Fee Assistance

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

This amendment adds a section to this rule. The new section governs payment of initial registration fees with child care subsidy.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

This new section of this rule provides that the Department of Workforce Services (Department) may pay an initial registration fee when a child is enrolled with a child care provider.

Please note that the Notice of Effective Date of this rule change may be filed after the date shown in box 10. The Notice of Effective Date may be filed at any time between 07/22/2022 and 10/13/2022.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule amendment is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee the rule changes. This rule amendment will not increase workload and can be carried out with existing budget. Child Care subsidies are provided by federal funds.

B) Local governments:

This rule amendment is not expected to have any fiscal impacts on local government revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule amendment is not expected to have a fiscal impact on small businesses. Most if not all child care providers are small businesses. The proposed rule amendment imposes no cost and provides no additional benefit to providers. This rule amendment changes source of funding for an initial registration fee. Absent the amendment to this rule, parents would be responsible for paying the initial registration fee.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule amendment is not expected to have a fiscal impact on non-small businesses. Most if not all child care providers are small businesses. The proposed rule amendment imposes no cost and provides no additional benefit to providers. This rule amendment changes source of funding for an initial registration fee. Absent the amendment to this rule, parents would be responsible for paying the initial registration fee.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This rule amendment is expected to have a fiscal benefit to eligible families. The Department currently has 742

licensed family providers and 362 licensed center providers (1104 total). Based on a 2021 market study, 33% of family providers and 82% of center providers charge initial registration fees. Of the licensed child care providers, this means that 245 family providers and 297 center providers charge initial registration fees. As of April 2022, the Department would pay up to \$40/child for an initial registration fee for a family provider, and up to \$50/child for a center provider.

In April 2022, 9,443 children were enrolled in licensed centers, and 4,088 children enrolled in family centers. Using those numbers, for children enrolled in licensed centers (at \$50 per child), the maximum savings to parents is estimated to be \$472,150.00 per year. For children enrolled in family centers (at \$40 per child), the maximum savings to parents is estimated to be \$163,520.00 per year. The total of the estimated maximum savings is \$635,670.00 per year.

This information is based on data from the Department.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This rule amendment is not expect to cause any compliance costs for affected persons because this rule amendment does not create any new administrative fees.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The funding for child care grants and assistance is provided through federal funding. This rule amendment provides financial assistance to parents seeking child care. Assistance for child care means that parents are more available to work, providing reliable employees for businesses. Casey Cameron, Executive Director

6. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table Fiscal Cost FY2022 FY2023 FY2024 State \$0 \$0 \$0 Government l ocal \$0 \$0 \$0 Governments Small \$0 \$0 \$0 Businesses Non-Small \$0 \$0 \$0 Businesses

\$0

\$0

Other

Persons

\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$635,670	\$635,670
Total Fiscal Benefits	\$0	\$635,670	\$635,670
Net Fiscal Benefits	\$0	\$635,670	\$635,670

 B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Workforce Services, Casey Cameron, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 35A-3-310 Section 35A-3-203 Section 53F-5-210

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

10. This rule change MAY 08/01/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

Agency head Ca or designee, Ex and title:	isey Cameron, ecutive Director		06/01/2022
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R986. Workforce Services, Employment Development. **R986-700.** Child Care Assistance.

R986-700-707.1. Initial Registration Fee Assistance.

(1) The Department may pay an initial registration fee per child to an approved provider.

(2) A provider must indicate on the Care About Childcare website that the provider charges an initial registration fee per child. If the indicator is marked, the provider must enter the amount of the initial registration fee per child.

(3)(a) An initial registration fee may be paid up to the allowed amount for the provider type. The allowable amount is a set amount determined by the Department.

(b) The fee paid by the Department may not cover the full initial registration charge.

(c) If a client has already paid an initial registration fee, the provider will be expected to reimburse the parent for any portion of the fee paid by the Department.

(4) The Department will only pay for one initial registration fee per child per provider within a 12-month period, at initial approval, or when a change of providers is reported. Annual registration fees are not covered.

(5) Initial registration fees will not be paid retroactively or prior to the date stated on the Care About Childcare website.

KEY: child care assistance

Date of Last Change: [March 31], 2022

Notice of Continuation: August 28, 2020

Authorizing, and Implemented or Interpreted Law: 35A-3-203; 35A-3-310; 53F-5-210

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends <u>July 15, 2022</u>.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (<u>example</u>). Deletions made to the rule appear struck out with brackets surrounding them ([<u>example</u>]). A row of dots in the text between paragraphs (.....) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through October 13, 2022, an agency may notify the Office of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the CHANGE IN PROPOSED RULE. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Office of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE by the end of the 120-day period after publication, the CHANGE IN PROPOSED RULE is a seven a seven and the seven a seve

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE

Utah Admin. Code	R510-104	Filing ID: 54292
Ref (R no.):		

Agency Information

· · · · · · · · · · · · · · · · · · ·				
1. Department:	Human Services			
Agency:	Aging and Adult Services			
Building:	MASOB	MASOB		
Street address:	195 N 1950 S			
City, state and zip:	Salt Lake City, UT 84116			
Contact person(s	Contact person(s):			
Name:	Phone:	Email:		
Jean Boyack	801- 568- 4263	jboyack@utah.gov		
Jacob Murakami	801- 538- 4641	jmurakami@utah.gov		
Jonah Shaw	385- 310- 2389	jshaw@utah.gov		
Please address questions regarding information on this				

Please address questions regarding information on t notice to the agency.

General Information

2. Rule or section catchline:

R510-104. Nutrition Programs

3. Publication date of previous proposed rule or change in proposed rule:

02/01/2022 (EDITOR'S NOTE: The original proposed repeal and reenactment upon which this change in proposed rule (CPR) was based was published in the February 1, 2022, issue of the Utah State Bulletin, on page 154. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed repeal and reenactment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

4. Reason for this change (Why is the agency submitting this filing?):

Following the repeal and reenactment published in February 1, 2022 Bulletin, the Department of Human Services (Department) received a public comment requesting the Department add clarification regarding the food handlers permit requirement in Subsection R510-104-10(4).

5. Summary of this change (What does this filing do?):

This change in proposed rule updates Subsection R510-104-10(4) following public comment.

Fiscal Information

6. Aggregate anticipated cost or savings to:

A) State budget:

This change in proposed rule is due to public comment and is technical in nature. It is not anticipated that this amendment would create a fiscal cost or savings to the state budget.

B) Local government:

This change in proposed rule is due to public comment and is technical in nature. It is not anticipated that this amendment would create a fiscal cost or savings to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

This change in proposed rule is due to public comment and is technical in nature. It is not anticipated that this amendment would create a fiscal cost or savings to small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This change in proposed rule is due to public comment and is technical in nature. It is not anticipated that this amendment would create a fiscal cost or savings to nonsmall businesses.

E) Persons other than small businesses, non-small businesses, or state or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This change in proposed rule is due to public comment and is technical in nature. It is not anticipated that this amendment would create a fiscal cost or savings to other persons.

F) Compliance costs for affected persons:

There are no compliance costs associated with the repeal and reenactment of this rule, it is technical in nature.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Tracy Gruber, Executive Director 7. A) Regulatory Impact Summary Table (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 will be included in narratives above.)

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1.4.5.1.5

Regulatory Impact Table			
Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$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

 B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Tracy Gruber, has reviewed and approved this fiscal analysis.

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 62A-3-104	Older Americans Act of 1965. Title	
	111C, 42 USC	
	Section 3001	

Public Notice Information

10. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted 07/15/2022 until:

11. This rule change MAY 07/22/2022 become effective on:

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

or designee,	Nate Checketts, Deputy Director	Date:	06/01/2022
and title:			

R510. Human Services, Aging and Adult Services. **R510-104.** Nutrition Programs.

R510-104-1. Purpose and Authority.

(1) The purpose of the rule is to facilitate the administration of nutrition programs for older individuals, as established pursuant to the Older Americans Act of 1965, 42 U.S.C. 3030e and 42 U.S.C. 3030f.

(2) The rule is authorized by Section 62A-1-111 and the Older Americans Act of 1965, 42 U.S.C. 3030e and 42 U.S.C. 3030f.

R510-104-2. Definitions.

(1) Terms used in this rule are defined in Section 62A-3-101.

(2) "Alternatives Program" means the Home and Community Based Alternatives Program as described in Rule R510-400.

(3) "Congregate Meal" means a meal provided by a qualified nutrition provider to an eligible individual in a congregate or group setting.

(4) "Dietary Reference Intakes (DRI)" means a set of reference values used to plan and assess healthy nutrient intakes as established by the Food and Nutrition Board of the National Academies of Sciences, Engineering, and Medicine.

(5) "Home Delivered Meal" means a meal provided to an eligible individual at the individual's place of residence.

(6) "Medical Meal" means a meal that provides nutrient supplements when an individual's ability to tolerate or digest solid foods is limited.

(7) "Modified Diet" means a meal that has been tailored to meet an individual's particular nutritional needs.

(8) "Nutrition Education" means the information, instruction, or training to support nutritional and physical choices and behaviors to maintain or improve an individual's health.

(9) "Nutrition Program" means a program that offers congregate and home delivered meals pursuant to 42 U.S.C. 3030e and 42 U.S.C. 3030f.

(10) "Nutrition Provider" means a local area agency that provides congregate or home delivered meals or an entity that provides congregate or home delivered meals pursuant to a formal contract or grant agreement with a local area agency.

(11) "Provisional Meal" means a meal delivered to an individual who receives congregate meals, but who is unable to personally attend the congregate meal site for a limited period of time.

R510-104-3. General Provisions.

(1) Each local area agency shall ensure that the meals provided through a nutrition program comply with dietary guidelines published by the U.S. Department of Health and Human Services.

(a) Compliance shall be documented for each meal served by a nutrition provider.

(b) Compliance shall be documented using an acceptable computer software program approved by the division.

(2) Nutrition providers shall provide approved menus for meals to nutrition sites and the local area agency.

(a) Menus shall be reviewed and approved by a registered dietitian or nutritionist to ensure compliance with dietary guidelines.

(b) Any deviation from an approved menu shall be documented and reported to the nutrition program director.

(c) Any documentation of a deviation from an approved menu shall be kept on file for a minimum of three years or until destruction is authorized by the local area agency.

(3) Nutrition providers shall provide modified meals when necessary. The local area agency shall be responsible for receiving and reviewing requests for modified meals and maintaining such requests on file.

R510-104-4. Eligibility for Nutrition Program.

(1) Any individual who is 60 years of age or older and the individual's spouse, regardless of the spouse's age, shall be eligible for a nutrition program. If sufficient resources are not available to serve all eligible individuals, the local area agency shall ensure that preference is given to those with the greatest social or economic need.

(2) An individual not described in Subsection R510-104-4(1) may be eligible for a nutrition program at the discretion of the local area agency in the following circumstances:

(a) the individual has a disability and resides in a housing facility primarily occupied by individuals 60 years of age or older that serves as a congregate meal site;

(b) the individual has a disability and resides with and accompanies an individual who is 60 years of age or older to a congregate meal site;

(c) the individual is a volunteer for the nutrition program; or

(d) the individual receives services from the Alternatives Program and the individual's care plan includes nutrition services.

(3) An individual who participates in the nutrition program pursuant to Subsections R510-104-4(2)(a) through (c) shall be encouraged to contribute to the cost of the meal service, but may not be required to pay for the cost of the meal service.

(4) The actual cost of a meal provided to an individual described in Subsection R510-104-4(2)(d) shall be paid by the Alternatives Program.

(5) Any individual who is denied access to a nutrition program shall be informed of the process to appeal that determination.

(6) An appeal described in Subsection R510-104-4(5) is not an adjudicative proceeding as described in Section 63G-4-201.

R510-104-5. Provider Selection.

(1) If a local area agency does not serve as the nutrition provider, the local area agency shall contract with nutrition providers that furnish congregate or home delivered meals. The local area agency shall ensure that each nutrition provider meets applicable federal, state, and local requirements and regulations.

(2) A local area agency shall give preference to a nutrition provider for home delivered meals that meets the following:

(a) demonstrates an ability to provide home delivered meals efficiently and reasonably; and

(b) furnishes assurances to the local area agency that the nutrition provider will solicit voluntary support;

(3) Each nutrition provider shall have at least one person per shift that has a food service certification in applied food service sanitation by a nationally recognized food industry program and approved by the Utah Department of Health.

R510-104-6. Additional Meal Policy.

(1) A local area agency may offer a second meal or third meal a day if stated as an objective in the area plan as described in 42 U.S.C. 3026.

(2) If a second meal is offered per day, both meals shall provide 66.6% of the DRI.

(3) If a third meal is offered per day, all three meals shall provide 100% of the DRI.

(4) If a local area agency provides more than 1.5% of its total meals as second or third meals, the local area agency shall develop written nutrition program objectives that include the number and frequency of meals to be served at each congregate meal site and to be served to individuals receiving home delivered meals.

(5) Any meal offered as a second meal shall be packaged in a manner that ensures proper food storage temperature for a reasonable period.

(6) Each local area agency shall document and maintain records of additional meals served to eligible individuals.

R510-104-7. Emergency Meals.

Each local area agency shall develop written procedures to be followed by nutrition providers for the emergency meals in the event of weather-related emergencies, disasters, or other situations that may interrupt meal services.

R510-104-8. Outreach.

Each local area agency shall establish outreach activities that encourage the maximum number of eligible individuals to participate in nutrition programs. Each local area agency shall provide nutrition education to eligible individual on at least a semiannual basis.

R510-104-9. Medical Meals.

(1) A medical meal shall be based upon a recommendation from a registered dietitian, registered nurse, or physician.

(2) A demographic questionnaire must be completed by an individual requesting a medical meal.

(3) Except as provided in Subsection R510-104-9(4), eligibility to receive a medical meal shall be limited to individuals who are 60 years of age or older.

(4) An individual who is receiving services from the Alternatives Program may be eligible to receive a medical meal at the discretion of the local area agency.

(5) A medical meal shall only be offered as a first meal a day.

(6) An individual may not receive more than a one-month supply of medical meals at a time.

R510-104-10. Food Service Management.

(1) Each local area agency shall ensure that each nutrition provider adheres to applicable laws and regulations regarding the safe and sanitary handling and preparation of food and equipment. Each local area agency shall ensure that each nutrition provider uses food that meets the standards of quality, sanitation, and safety that are applicable to food processed commercially.

(2) Each local area agency shall require accurate inventory records for consumable goods. Inventory records shall be maintained for four years by each nutrition provider.

(3) Each nutrition provider shall provide training for proper sanitation, food preparation, and portion control to each paid or volunteer staff member who prepares, handles, or serves food.

(4) Each paid or volunteer staff member who prepares, handles, or serves food shall have a valid food handlers permit<u>if</u> required by applicable local law.

R510-104-11. Contribution Policy.

(1) The actual cost of a congregate meal and a suggested contribution shall be posted at the congregate meal site.

(2) Each eligible individual shall have an opportunity to voluntarily and anonymously contribute toward the cost of a provided meal service.

(a) Each local area agency shall establish and implement procedures to protect the privacy of an individual's decision to contribute toward the cost of a provided meal service.

(b) A locked contribution box shall be placed at the congregate meal site in an area that protects the privacy of the individual's decision to contribute toward the cost of the provided meal service.

(c) Any contributions shall be counted by two persons, and both individuals shall sign a form attesting to the amount received. Such documentation shall be maintained by the local area agency.

(3) An individual that does not meet the eligibility criteria described in Section R510-104-4 shall pay the full cost of the meal, which shall be collected and accounted for separate from any voluntary contribution.

R510-104-12. Congregate Meals.

(1) Each local area agency shall determine the number of congregate meal sites to be established in the area served and the days of operation for each congregate meal site.

(2) Each local area agency shall provide congregate meals at least five days per week. A rural area where such frequency is not feasible may offer congregate meals less frequently at the discretion of the division.

(3) Unused prepared food that has been transported to a congregate meal site shall be considered leftover food.

(4) Leftover food shall be properly refrigerated and safely incorporated into subsequent meals. Leftover food that cannot be

properly refrigerated and safely incorporated into subsequent meals shall be properly disposed of at the congregate meal site.

(5) Leftover food shall be offered to all individuals as second servings at congregate meal sites that do not have on-site methods to preserve leftover food.

(6) Each congregate meal site shall display a disclaimer which states: "For Your Safety: Food removed from the center must be kept hot or refrigerated promptly. We cannot be responsible for illness or problems caused by improperly handled food."

(7) Each local area agency shall develop a policy that allows a provisional meal to be provided to eligible individuals who cannot attend the congregate meal site on a limited basis. If a provisional meal is provided, the local area agency shall document the individual's needs and shall assess whether the individual should be encouraged to receive home delivered meals.

R510-104-13. Home Delivered Meals.

(1) In addition to the eligibility criteria described in Section R510-104-4, an individual must be determined to be homebound to receive a home delivered meal.

(2) An individual shall be determined to be homebound if the individual cannot leave home without assistance due to a disabling physical, emotional, or environmental condition. A determination of an individual's homebound status shall be made using a method of assessment approved by the division.

(a) Any waiver of the assessment to determine an individual's homebound status shall be at the discretion of the local area agency.

(b) A request for a waiver of the assessment to determine an individual's homebound status shall be submitted in writing to the local area agency's director or the local area agency director's designee.

(c) A waiver request, and accompanying documentation, shall be maintained in the individual's client file.

(d) An approved waiver request shall be reviewed on an annual basis.

(3) A determination of an individual's homebound status shall be documented and maintained by the local area agency.

(4) An individual's homebound status shall be reviewed or re-evaluated at least annually.

(5) Each local area agency shall provide home delivered meals at least five days per week. A rural area where such frequency is not feasible may offer home delivered meals less frequently at the discretion of the division.

R510-104-14. Financial Policies.

(1) Income generated by a nutrition program shall only be used to:

(a) expand the number of meals provided;

(b) facilitate access to nutrition programs;

(c) integrate systematic nutrition screening for malnutrition and food insecurity; or

(d) provide other supportive services directly related to nutrition services, such as outreach, information and referral, transportation, access to grocery shopping, help with food stamp procurement, social activities in conjunction with a meal, and nutrition education.

(2) A local area agency that serves as a nutrition provider may also perform nutrition services for other groups and programs outside of the nutrition program. A local area agency that performs these additional nutrition services shall charge the full cost of preparation and delivery of the nutrition services.

R510-104-15. Transfer of Funds.

Any transfer of funds between a congregate meal service and home delivered meal service shall not exceed 30% of any one funding category unless the division requests and receives written approval from the U.S. Department of Health and Human Services Assistant Secretary for Aging.

R510-104-16. Documentation and Record Keeping Requirements.

(1) Each local area agency shall maintain all records and forms generated by a nutrition program for three years.

(2) Each local area agency shall document the number of individuals participating in a nutrition program and shall keep a list of all individuals for three years.

(3) Each local area agency shall coordinate with the division to complete annual reporting requirements for the nutrition program.

KEY: elderly, nutrition, home delivered meals, congregate meals Date of Last Change: 2022

Notice of Continuation: June 30, 2017

Authorizing, and Implemented or Interpreted Law: 62A-3-104; 42 USC Section 3001

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (<u>example</u>) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.....) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMEI	RGENC	(120-DAY)	RULE	3. Effective Date:		
Utah Admin. Code R27-1 Filing ID: 54620 Ref (R no.):		Filing ID: 54620	05/17/2022			
Agency Information	on			4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):		
1. Department:	Govern	ment Operat	ions	This filing corrects two definitions that reference a five-da		
Agency:	Fleet O	perations		rule exception for a fleet vehicle home. IRS only allows		
Room no.:	3rd Floo	or		one day per month.		
Building:	Taylors	ville State Of	le State Office Building 5. Summary of the new rule or ch			
Street address:	4315 S 2700 W			filing do?):		
City, state and zip:	and Taylorsville, UT 84129		29	This filing modifies the number of days an individual may drive a fleet vehicle home from five days per month to one		
Contact person(s):			day per month. This filing also modifies the authoritative		
Name:	Phone:	Email:		reference from an IRS publication to the underlying federal register.		
- ,	801- 957- 7261	coryweeks(@utah.gov	(EDITOR'S NOTE: A corresponding proposed amendment to Rule R27-1 is under ID 54618 in this issue, June 15, 2022, of the Bulletin.)		
Please address q notice to the agend		regarding i	nformation on this	6. A) The agency finds that regular rulemaking would:		
General Informati	on			cause an imminent peril to the public health, safety, or welfare;		
2. Rule or section R27-1. Definitions		ine:		cause an imminent budget reduction because of budget restraints or federal requirements; or		
				X place the agency in violation of federal or state law.		

B) Specific reasons and justifications for this finding:

IRS Pub 15b specifically calls out commuting home more than one day per month as being non-excludable from income under de Minimis rules.

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

No cost or savings are anticipated for state budgets because the only impact is to affected persons.

B) Local governments:

No cost or savings are anticipated for local governments because the only impact is to affected persons.

C) Small businesses ("small business" means a business employing 1-49 persons):

No cost or savings are anticipated for small business because the only impact is to affected persons.

D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

No cost or savings are anticipated for other persons because the only impact is to affected persons.

E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

Affected persons include those state employees who commute in a state vehicle between one and five times per month. These individuals, if their hiring agency does not change business practices, will be charged \$3 of NON-CASH taxable earnings per day in which the individual commuted in a state vehicle.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

I agree with the statements made above regarding the fiscal impact. Jenney Rees, Executive Director

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 63A-9-401	
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Agency Authorization Information

Agency head	Jenney Rees,	Date:	05/13/2022
or designee,	Executive		
and title:	Director		

R27. Government Operations, Fleet Operations. **R27-1.** Definitions.

R27-1-1. Authority and Purpose.

(1) This rule is established pursuant to Subsection 63A-9-401(1)(d), which requires the division to create rules governing procedures and policies used for managing the state's vehicle fleet.

R27-1-2. Definitions.

(1) The following terms are defined for use under Title R27.

(a) "Accident" means any mishap in which a state vehicle is involved ,which results in harm or injury to persons, or damage to property, regardless of fault, total cost of treatments or repairs.

(b) "Agency" has the same meaning as provided in Subsections 63A-9-101(1)(a),(b), and (c).

(c) "Alternative Fuel Vehicle (AFV)" means a vehicle designed and manufactured by an original equipment manufacturer to operate on one or more fuels other than traditional gasoline or diesel fuel. Examples of alternative fuels include electricity, biodiesel, compressed natural gas, propane, hydrogen, methanol, ethanol, and any other vehicle fuel source approved by the federal government's Department of Energy (DOE).

(d) "Authorized Driver" means any agency employee who has been identified as having the authority, within their scope of employment, to operate a state vehicle on the agency's behalf. An authorized driver shall hold a valid driver license and shall successfully complete the specific authorized driver training and other criteria required by the division, Risk Management, and the employing agency for the vehicle type that will be operated. An authorized driver may also be referred to as operator, driver, employee, or customer.

(c) "Authorized Passenger" means any state employee acting within the scope of their employment, or any other person or animal whose transport is either necessary for the performance of the authorized driver's or passenger's employment duties, or has been pre-approved by the agency head to accompany an authorized driver or passenger.

(f) "Capital Lease Vehicle" means any vehicle with a lease designed to recover the vehicle cost. The division also charges rates for administrative costs. Maintenance, repair, and safety recalls costs are the responsibility of the agency that leases the vehicle from the division. Capital leases are subject to division approval.

(g) "Citizen Complaint" means a complaint reported by a citizen to the division.

(h) "Commute Use" means use of a state vehicle by an employee driving between the employee's residence and the employee's assigned work location more than [five]one calendar day[s] per month. Commute use is subject to the Commuting Rule as outlined in [IRS Publication 15-B]26 CFR 1.61-21.

(i) "Department" means the Department of Government Operations.

(j) "Division" means the Division of Fleet Operations.

(k) "Driver Eligibility Board" means the panel formed for the purpose of determining an authorized driver's state vehicle driving privileges. (1) "Emergency Vehicle" means a state vehicle which is primarily used for the purpose of providing law enforcement and public safety services, including fire services or emergency medical services.

(m)(i) "Employee" includes:

(A) a governmental entity's officers, employees, servants, trustees, or commissioners;

(B) members of a governing body;

(C) members of a governmental entity's board;

(D) members of a governmental entity's commission;

(E) members of an advisory body, officers, and employees of a Children's Justice Center;

(F) student teachers holding a license issued by the State Board of Education;

(G) educational aides;

(H) students engaged in internships;

(I) volunteers as defined by Subsection 67-20-2(3); and (J) tutors.

(ii) "Employee" includes the positions identified in Subsection (m)(i) whether or not the individual holding that position receives compensation.

(iii) "Employee" does not include an independent contractor.

(n) "Expansion Vehicle" means an additional permanent vehicle requested by an agency. The purchase of an expansion vehicle requires legislative approval.

(o) "Feature" means any option or accessory that is available from the vehicle manufacturer.

(p) "Full Service Lease" means a type of lease designed to recover vehicles costs. The division also charges rates to cover administrative costs, maintenance and repair costs and other variable costs.

(q) "Heavy-duty Vehicle" means any motor vehicle having a gross vehicle weight rating (GVWR) greater than 26,001 pounds.

(r) "Light-duty Vehicle" means any motor vehicle having a GVWR of 10,000 pounds or less.

(s) "Medium-duty Vehicle" means any motor vehicle having a GVWR of 10,001 to 26,000 pounds.

(t) "Miscellaneous Equipment" means any equipment, enhancement, or accessory that is installed on or in a motor vehicle by persons other than the original vehicle manufacturer, and other non-fleet related equipment. Includes light bars, 800 MHz radios, transits, surveying equipment, traffic counters, semaphores, and diagnostic-related equipment. Miscellaneous equipment shall be tracked in the division's fleet information system.

(u) "Motor Pool" means a centrally located group of state vehicles that is made available to agencies for lease on a short-term basis.

(v)(i) "Motor Vehicle" has the same meaning as provided in Subsection 63A-9-101(7).

(w) "Motor Vehicle Review Committee (MVRC)" means the committee created under Section 63A-9-301.

(x) "Moving Violation" means a breach of traffic laws which occurs while the driver's vehicle is in motion.

(y) "Non-preventable Accident" means any occurrence involving a state vehicle which results in an accident in which everything that could have been reasonably done to prevent it was done and the accident still occurred. Non-preventable accidents shall include vandalism of state vehicles being used to conduct state business. (z) "Non-road Vehicle" means a vehicle, regardless of GVWR, that is not licensed for on-road use. Non-road vehicles include vehicles used principally for construction, golf carts, airplanes, farm tractors, snowmobiles, forklifts, off-highway vehicles, and boats.

(aa) "Personal Use" means the use of a state vehicle to conduct an employee's personal affairs, not related to state business.

(bb) "Preventable Accident" means any occurrence involving a state vehicle, which results in property damage or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which the authorized driver in question failed to do everything that could have reasonably been done to prevent it.

(i) Preventable accidents are not limited to collisions.

(ii) Preventable accidents include damage to the interior of the state vehicle due to improperly locked doors, smoke or burn damage caused by smoking in the vehicle, or lack of general care of the vehicle's interior.

(cc) "Preventive Maintenance (PM)" means vehicle services conducted at regular time intervals to deter mechanical breakdowns, including lube, oil, and filter changes.

(dd) "Replacement Cycle" means the criteria established by the division to determine when the replacement of a state vehicle is necessary.

(ee) "Replacement Vehicle" means a vehicle purchased to replace a state vehicle that has met replacement cycle criteria.

(ff) "SSFV" means a "Standard State Fleet Vehicle", which is the vehicle designated by the division as the default replacement vehicle for the state fleet.

(gg) "State Fuel Network" means the state program that provides an infrastructure for fueling state vehicles.

(hh) "State of Utah Fuel Card" means a purchase card assigned to a vehicle, a person or other motorized equipment by the State Fuel Network program, to be used when purchasing fuel. Fluids and minor miscellaneous items that may also be purchased with the fuel card cannot exceed the monthly monetary limits placed on such purchases by the division unless otherwise authorized.

(ii) "State Vehicle" means each motor vehicle owned, operated, or in the possession of an agency, also to include any vehicle procured with state funds for state business, i.e. rental vehicle.

(jj) "Take-home Use" means use of a state vehicle by an employee driving a state vehicle between the employee's place of residence and the employee's assigned work location more than [five]one calendar day[\mathfrak{s}] per month. Take-home use is exempt from the Commuting Rule as outlined in [IRS Publication 15-B]26 CFR 1.61-21.

(kk) "Variable Costs" means costs including, but not limited to, fuel, oil, tires, services, repairs, maintenance, and PM.

(II) "Vehicle Identification Number (VIN)" means the number issued by the vehicle manufacturer to identify the vehicle in the event of a theft. This number can be found on the driver's side of the dashboard below the windshield.

(mm) "Vendor" means any person offering sales or services for state vehicles, such as PM or repair services.

KEY: definitions

Date of Last Change: May 17, 2022

Notice of Continuation: October 20, 2020

Authorizing, and Implemented or Interpreted Law: 63A-9-401

NOTICE OF EMERGENCY (120-DAY) RULE					
Utah Admin. Code Ref (R no.):	R380-66	Filing ID: 54663			

Agency Information

1. Department:	Health		
Agency:	Administration		
Room no.:	430		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 141000		
City, state and zip:	Salt Lake City, UT 84114-1000		

Contact person(s):

Name:	Phone:	Email:
Michelle Hofmann	801- 538- 6111	udohedo@utah.gov
Jonah Shaw	385- 310- 2389	jshaw@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

R380-66. Medical Rationing Procedures

3. Effective Date:

06/01/2022 (EDITOR'S NOTE: A corresponding proposed new Rule R380-66 is under ID 54664 in this issue, June 15, 2022, of the Bulletin.)

4. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

S.B. 194, passed in the 2022 General Session, requires the Department of Health (Department) to make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, on or before 07/01/2022, to establish a procedure that the Department will follow to adopt, modify, require, facilitate, or recommend rationing criteria under Section 26-1-45.

5. Summary of the new rule or change (What does this filing do?):

This rule establishes a procedure to adopt, modify, require, facilitate, or recommend rationing criteria for scarce healthcare resources.

6. A) The agency finds that regular rulemaking would:

cause an imminent peril to the public health, safety, or welfare;

cause an imminent budget reduction because of budget restraints or federal requirements; or

X place the agency in violation of federal or state law.

B) Specific reasons and justifications for this finding:

The Department, in consultation with legal counsel, determined that there was not enough time to collect proper stakeholder feedback in time to meet the 07/01/2022 deadline set by the legislature in S.B. 194 (2022). The Department is submitting a regular filing of the same version of the rule simultaneously, its earliest effective date possible would be 07/22/2022, the Department will be using an estimated effective date for the regular rule of 08/01/ 2022 in order to give additional time to address public comments.

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

It is not anticipated that this rule will result in a fiscal impact to the state budget, as this rule establishes the procedure to adopt, modify, require, facilitate, or recommend rationing criteria for scarce healthcare resources. Any fiscal impact was accounted for in the fiscal note of S.B. 194 (2022).

B) Local governments:

This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for local agencies.

C) Small businesses ("small business" means a business employing 1-49 persons):

This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.

D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

This proposed rule will not result in a fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities because this rule does not establish requirements for persons other than small businesses, non-small businesses, state, or local government entities. E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs associated with this rule.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to businesses. Nate Checketts, Executive Director

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26-1-45 Section 26-1-5

Agency Authorization Information

Agency head	Nate Checketts,	Date:	05/31/2022
or designee,	Executive		
and title:	Director		

R380. Health. Administration. **R380-66.** Medical Rationing Procedures.

R380-66-1. Purpose and Authority.

(1) Section 26-1-45 requires the department to have a rule that establishes a procedure to adopt, modify, require, facilitate, or recommend rationing criteria for scarce healthcare resources.

(2) This rule is authorized by Sections 26-1-45 and 26-1-5.

R380-66-2. Definitions.

The definitions found in Section 26-1-45 apply to this rule. In addition, the following definitions apply:

(1) "Advisory panel" means a panel of experts serving in an advisory capacity to the department for the allocation of scarce health care resources.

(2) "Emergency circumstance" means a situation that poses an imminent threat to the life, health, or safety of citizens including one or more of the following:

(a) treatment is no longer efficacious;

(b) chemical, biological, radiological and nuclear agents;

(c) terrorist attack; or (d) a catastrophic natural disaster.

(3) "Public health emergency" means the same as defined in Subsection 26-23b-102(9).

(4) "Health care resource" means the same as defined in Section 26-1-45.

(5) "Rationing criteria" means the same as defined in Section 26-1-45. (6) "Scarce health care resource" means the same as

defined in Section 26-1-45.

R380-66-3. Basis and Purpose of the Advisory Panel.

(1) To provide expertise in analysis regarding scarce health care resources.

(2) To formulate and recommend ethical allocation frameworks and rationing criteria for scarce health care resources.

R380-66-4. Appointment of Members to the Advisory Panel.

(1) When the executive director or a designee determines that a scarce health care resource exists, the executive director or designee shall consult with relevant healthcare organizations and then appoint experts to an advisory panel.

(2) All participants on the advisory panel shall submit a conflict of interest form in accordance with the department's conflict of interest policy.

R380-66-5. Procedures.

(1) The executive director or designee shall activate the advisory panel in the event of a public health emergency or if the executive director or designee deems necessary based on the presence of a scarce health resource.

(2) The advisory panel may invite additional subject matter experts to provide advice and opinions to the advisory panel at any time.

The advisory panel shall make rationing criteria (3) recommendations for scarce health care resources.

(4) The department shall compile a report of recommendations from the advisory panel.

Within a reasonable time of receiving the (5) recommendation from the advisory panel, the executive director will review the recommendation and its rationing criteria. When reviewing the recommendation and the criteria, the executive director may consult with the executive medical director, the department's legal counsel and others that the executive director determines appropriate. The executive director shall adopt, reject, or revise the advisory panel's recommendation.

(6) Department-approved rationing criteria will apply to healthcare professionals, clinics, facilities, and patients in the state.

(7) Approved rationing criteria will allow for individual provider-to-patient clinical judgment.

(8) Before issuing the rationing criteria or having the rationing criteria take effect, the department will send the rationing criteria in writing to the individuals identified in Subsection 26-1-45(3)(a).

(9) In the event of an emergency circumstance under which notification of approved rationing criteria is not possible the department shall notify the individuals identified in Subsection 26-1-45(3)(a) as soon as practicable, but no later than 48 hours after the rationing criteria take effect.

KEY: public health emergency, medical rationing procedures, scarce healthcare resource

Date of Last Change: June 1, 2022

Authorizing, and Implemented or Interpreted Law: 26-1-45, 26-1-5

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **Review** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.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.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R123-5	Filing ID: 53773	
Effective Date:	05/25/2022		

Agency Information

1. Department:	Auditor			
Agency:	Administration			
Room no.:	E310			
Building:	East Capitol Building, Utah State Capitol Complex			
Street address:	t address: 120 E Capitol St			
City, state and zip:	Salt Lake City, UT 84114			
Contact person(s)):			
Name:	Phone:	Email:		
Mandy Teerlink	801- 538- 1363	Mteerlink@gmail.com		
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule catchline:

R123-5. Requirements for Accounting Services of Political Subdivisions and Governmental Nonprofit Corporations

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

As required by Section 51-2a-301, this rule provides the guidelines, qualifications criteria, and procurement procedures for accounting services for those entities required by Section 51-2a-201 to report to the Office.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments were received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

None of the code that is the basis for this rule has undergone changes. Nor has any written commentary from interested persons been received. Furthermore, this rule was reviewed when it was amended in 2019. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Seth Oveson,	Date:	05/26/2022
or designee,	Local		
and title:	Government		
	Manager		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION				
Utah Admin. Code R156-22 Filing ID: 50259 Ref (R no.):				
Effective Date:	05/19/2022			

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Information

<u> </u>				
1. Department:	Commerce			
Agency:	Occupat Licensin		and	Professional
Building:	Heber M Wells Building			
Street address:	160 E 30	0 S		
City, state and zip:	Salt Lake City UT 84111-2316			
Mailing address:	PO Box 146741			
City, state and zip:	Salt Lake City UT 84114-6741			
Contact person(s)	:			
Name:	Phone:	Email:		
Steve Duncombe	801- 530- 6628	sduncombe@utah.gov		
Please address guestions regarding information on this				

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rule

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Title 58, Chapter 22, provides for the licensure and regulation of professional engineers, professional structural engineers and professional land surveyors. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-1-202(1)(a) provides that the Professional Engineers and Professional Land Surveyors Licensing Board's responsibilities includes duties, functions, and recommending to the director appropriate rules. This rule was enacted to clarify the provisions of Title 58, Chapter 22, with respect to professional engineers, professional structural engineers, and professional land surveyors.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since this rule was last reviewed in May 2017, this rule has been amended once in August 2017. The Division has received no written comments with respect to this rule since May 2017.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 22. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Mark B. Steinagel,	Date:	01/03/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION Utah Admin. Code R164-9 Filing ID: 50328

Ref (R no.):		g
Effective Date:	06/01/2022	

Agency Information

	••		
1. Department:	Commer	се	
Agency:	Securitie	Securities	
Building:	Heber M	Wells	
Street address:	160 E 30	00 S	
City, state and zip:	Salt Lake City, UT 84111-2316		
Mailing address:	PO Box 146760		
City, state and zip:	Salt Lake City, UT 84114-6760		
Contact person(s)	Contact person(s):		
Name:	Phone:	Email:	
Bryan Cowley	801- bmcowley@utah.gov 530- 6452		
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:

R164-9. Registration by Coordination

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 61-1-9 of the Utah Uniform Securities Act establishes registration by coordination as one of two methods of registering securities offerings in the state of Utah. Section 61-1-24 of the Utah Uniform Securities Act allows the Division of Securities to make rules necessary to carry out the provisions of the chapter. 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule defines key terms and establishes the specific procedures to which an applicant for registration by coordination must adhere in order to obtain approval of its registration statement. This rule also coordinates registration procedures with Canada under the multijurisdictional disclosure system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Jason Sterzer,	Date:	05/25/2022
or designee,	Division Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R164-10	Filing ID: 50333
Effective Date:	06/01/2022	

Agency Information

1. Department:	Commer	ce	
Agency:	Securitie	s	
Building:	Heber M	Wells	
Street address:	160 E 30)0 S	
City, state and zip:	Salt Lake City, UT 84111-2316		
Mailing address:	PO Box 146760		
City, state and zip:	Salt Lake City, UT 84114-6760		
Contact person(s):			
Name:	Phone:	Email:	
Bryan Cowley	801- bmcowley@utah.gov 530- 6452		
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:

R164-10. Registration by Qualification

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 61-1-10 of the Utah Uniform Securities Act establishes registration by qualification as one of two methods of registering securities offerings in the state of Utah. Section 61-1-24 of the Utah Uniform Securities Act allows the Division of Securities to make rules necessary to carry out the provisions of the chapter.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule defines key terms, sets forth filing and procedural requirements, and provides a comprehensive disclosure regimen for offerings registered by qualification. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title: Jason Sterzer, Division Director		05/25/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R164-11	Filing ID: 50334
Effective Date:	06/01/2022	

<u> </u>			
1. Department:	Commer	се	
Agency:	Securitie	S	
Building:	Heber M	Wells	
Street address:	160 E 30)0 S	
City, state and zip:	Salt Lake City, UT 84111-2316		
Mailing address:	PO Box 146760		
City, state and zip:	Salt Lake City, UT 84114-6760		
Contact person(s)	Contact person(s):		
Name:	Phone:	Email:	
Bryan Cowley	801- bmcowley@utah.gov 530- 6452		
Please address questions regarding information on this notice to the agency.			

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

General Information

2. Rule catchline:

R164-11. Registration Statement

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 61-1-24 of the Utah Uniform Securities Act allows the Division of Securities (Division) to make rules necessary to carry out the provisions of the chapter. Subsection 61-1-11(7)(b) authorizes the Division to determine escrow and impounding requirements. Subsection 61-1-11.1(9) authorizes the Division to establish rules for the conduct of fairness hearings.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule was established to ensure disclosure of material information, prevent fraud, and limit excessive promoter profits in registered securities offerings. In addition, this rule serves to establish procedures for fairness hearings and for the impound of funds in offerings registered by qualification until the division approves a release of those funds. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Jason Sterzer, Division Director	Date:	05/25/2022
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	ode R164-12 Filing ID: 50335	
Effective Date:	06/01/2022	

Agency Information

1. Department:	Commerce
Agency:	Securities
Building:	Heber M Wells
Street address:	160 E 300 S
City, state and zip:	Salt Lake City, UT 84111-2316
Mailing address:	PO Box 146760
City, state and zip:	Salt Lake City, UT 84114-6760

Contact person(s):			
Name:	Phone:	Email:	
Bryan Cowley	801- 530- 6452	bmcowley@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R164-12. Sales Commission

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 61-1-24 of the Utah Uniform Securities Act allows the Division of Securities to make rules necessary to carry out the provisions of the chapter, including requirements for agents selling securities offerings.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

As a protection for investors, this rule limits the amount of commission-related compensation that can be paid to agents in connection with a public offering. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jason Sterzer, Division Director	Date:	05/25/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R164-14 Filing ID: 50339		
Effective Date:	06/01/2022		

1. Department:	Commerce	
Agency:	Securities	
Building:	Heber M Wells	
Street address:	160 E 300 S	
City, state and zip:	Salt Lake City, UT 84111-2316	

Mailing address	PO Box	PO Box 146760		
City, state ar zip:	nd Salt Lak	Salt Lake City, UT 84114-6760		
Contact person(s):				
Name:	Phone:	Phone: Email:		
Bryan Cowley	n Cowley 801- bmcowley@utah.gov 530- 6452			
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule catchline:	2.	Rule	catch	line:
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R164-14. Exemptions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 61-1-14 establishes the various exemptions from registration under the Utah Uniform Securities Act. Subsections 61-1-14(1)(i) and 61-1-14(2)(v) allow the Division of Securities (Division) to exempt from registration by rule such securities or transactions as to which the Division director finds that registration is not necessary or appropriate for the protection of investors.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule aids persons raising capital in Utah in qualifying for exemptions from registration by setting forth in detail filing and qualification requirements for many of the statutory exemptions. It also establishes several additional exemptions by rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Jason Sterzer,	Date:	05/25/2022
or designee,	Division Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R164-15	Filing ID: 50346
Effective Date:	06/01/2022	

Agency Information

1. Department:	Commer	се	
Agency:	Securities		
Building:	Heber M Wells		
Street address:	160 E 300 S		
City, state and zip:	Salt Lake City, UT 84111-2316		
Mailing address:	PO Box 146760		
City, state and zip:	Salt Lake City, UT 84114-6760		
Contact person(s):			
Name:	Phone: Email:		
Bryan Cowley	801- bmcowley@utah.gov 530- 6452		
Please address questions regarding information on this			

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R164-15. Federal Covered Securities

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 61-1-15.5 governs federal covered securities and states that the Division of Securities (Division) may, by rule or order, require filing of documents relating to federal covered securities. Section 61-1-24 allows the Division to make rules when necessary to carry out the provisions of the chapter.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule prescribes the notice filing procedures authorized by Section 61-1-15.5. The operation of this rule helps to ensure that the Division receives notice of federal covered securities offered to residents of this state. These filings include Rule 506 offerings, Mutual Funds, and Offerings under Tier II of Regulation A. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Jason Sterzer, Division Director	Date:	05/25/2022
and the.			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R317-801 Filing ID: 50788	
Effective Date:	05/19/2022	

Agency Information

igeney internatio	••		
1. Department:	Environr	nental Quality	
Agency:	Water Quality		
Room no.:	DEQ, Th	ird Floor	
Building:	Multi Age	ency State Office Building	
Street address:	195 N 19	950 W	
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144870		
City, state and zip:	Salt Lake City, UT 84114-4870		
Contact person(s):			
Name:	Phone:	Email:	
Jennifer Robinson	385- 501- 9585	jenrobinson@utah.gov	
Dan Hall	801- dhall@utah.gov 536- 4356		
Please address questions regarding information on this			

notice to the agency.

General Information

2. Rule catchline:

R317-801. Utah Sewer Manager	ment Program (USMP)
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3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-5-107 authorizes the Utah Water Quality Board to require discharge permits to control the management of sewage sludge or to prevent or control the discharge of pollutants, including effluent limitations for the discharge of waste into the waters of the State. Subsection 19-5-108(1) authorizes the Utah Water Quality Board to make rules and require the submission of plans, specifications and other information to the director in connection with the issuance of discharge permits. The purpose of the rule is to ensure proper operation and maintenance of sewer collection systems in the state of Utah and should be continued.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since the last review of this rule five years ago, no written comments have been received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule has minimum standards for planning, design, operation and maintenance of sewer collection systems. This rule requires that these minimum standards be met by federal, state, municipal, and special service districts that own or operate sewer collection systems within the state of Utah. This rule requires reporting of sanitary sewer overflows to ensure that the public and environment are protected from discharges from a sewer collection system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John K. Mackey,	Date:	05/19/2022
or designee,	Interim Divisio	n	
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R414-60A	Filing ID: 51019
Effective Date:	05/31/2022	

Agency Information

1. Department:	Health			
Agency:	Health Care Financing, Coverage and Reimbursement Policy			
Building:	Cannon Health Building			
Street address:	288 N 14	460 W		
City, state and zip:	Salt Lake	Salt Lake City, UT 84116		
Mailing address:	PO Box 143101			
City, state and zip:	Salt Lake City, UT 84114-3101			
Contact person(s)	:			
Name:	Phone: Email:			
Craig Devashrayee	801- cdevashrayee@utah.gov 538- 6641			
	Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:

R414-60A. Drug Utilization Review Board

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by Section 26-18-102 which sets forth membership requirements for the Drug Utilization

Review (DUR) Board. In addition, 42 CFR 456.716 requires the Department of Health (Department) to establish a DUR Board that includes health care professionals with knowledge and expertise in prescribing, dispensing, or evaluating drugs.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department did not receive any written comments regarding this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department has determined that this rule is necessary because it implements DUR Board composition and membership requirements, and spells out board member responsibilities to provide medically necessary and cost effective services for Medicaid members. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Nate Checketts,	Date:	05/30/2022
or designee,	Executive		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code	R414-60B	Filing ID: 51

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Rei (R IIO.).		
Effective Date:	05/31/2022	

Agency Information

1. Department:	Health		
Agency:	Health Care Financing, Coverage and Reimbursement Policy		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box 143101		
City, state and zip:	Salt Lake City, UT 84114-3101		
Contact person(s):			
Name:	Phone: Email:		
Craig Devashrayee	801- cdevashrayee@utah.gov 538- 6641		
Please address questions regarding information on this			

notice to the agency.

General Information

2. Rule catchline:

R414-60B. Preferred Drug List

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by Section 26-18-2.4, which allows the Department of Health (Department) to reimburse for certain classes of drugs on the Preferred Drug List (PDL), details prior authorization requirements, and sets forth prescription override exceptions. Additionally, Section 26-18-3 requires the Department to implement the Medicaid drug program through administrative rules, and Section 26-1-5 grants the Department the authority to adopt these rules for implementation.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Department did not receive any written comments regarding this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department has determined this rule is necessary because it implements PDL eligibility, specifies the purpose of the PDL in relation to certain classes of drugs, clarifies that coverage is based on clinical and cost effectiveness, details prior authorization requirements, implements Pharmacy and Therapeutics (P&T) Committee composition and membership, implements P&T Committee responsibilities and functions, and sets forth provisions for the P&T Committee to make determinations based on clinical and cost-related factors. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Nate Checketts,	Date:	05/30/2022
or designee,	Executive		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R428-13 Filing ID: 54213		
Effective Date:	05/31/2022		

1. Department:	Health
Agency:	Center for Health Data, Health Care Statistics

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Room no.:	106		
Building:	Cannon Health Building		
Street address:	288 N 14	160 W	
City, state and zip:	Salt Lake City, UT 84116		
Mailing address:	PO Box	144004	
City, state and zip:	Salt Lake City, UT 84114-4004		
Contact person(s):			
Name:	Phone: Email:		
Carl Letamendi	801- 538- 7052	cletamendi@utah.gov	
Stephanie Saperstein	801- 538- 6430	stephaniesaperstein@utah.g ov	
Mike Martin	801- 538- 9205	mikemartin@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R428-13. Health Data Authority. Audit and Reporting of Health Plan Performance Measures

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by Subsection 26-33a-104(1) to "direct a statewide effort to collect, analyze, and distribute health care data to facilitate the promotion and accessibility of quality and cost-effective health care and also to facilitate interaction among those with concern for health care issues."

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The Office of Health Care Statistics has not received any written comments since the last five-year review of this rule from interested persons supporting or opposing this rule. Only general inquires have been made and responded to by the Office. On 05/17/2022, the Health Data Committee voted, with unanimous consent, to extend Rule R428-13.

A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule establishes a performance measurement data collection and reporting system for health carriers licensed in the state of Utah. The data is needed to promote informed consumer choice in health carrier selection and measure the quality of care provided by Utah health carriers. The broad uses of the data and reports are justifications for this rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Nate Checketts,	Date:	05/30/2022
or designee,	Executive		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION Utah Admin. Code R527-378 Filing ID: 54005

Ref (R no.):	1027-070	1 ming ib. 34003
Effective Date:	05/31/2022	

Agency Information

-geney mornation				
1. Department:	Human Services			
Agency: Recover		ry Services		
Street address:	515 E 10	00 S		
City, state and zip:	Salt Lake City, UT 84102-4211			
Mailing address:	PO Box	45033		
City, state and zip:	Salt Lake City, UT 84145-0033			
Contact person(s)	Contact person(s):			
Name:	Phone:	Email:		
Scott Weight	801- 741- 7435	sweigh2@utah.gov		
Casey Cole	801- 741- 7523	cacole@utah.gov		
Jonah Shaw	385- jshaw@utah.gov 310- 2389			
Please address questions regarding information on this				

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R527-378. Withholding of Social Security Benefits

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is enacted under Section 62A-11-107 which authorizes the Office of Recovery Services (ORS) to adopt, amend, and enforce rules necessary to carry out ORS's statutory responsibilities. This rule deals with the statutory responsibility concerning income withholding for collection of child support as specified in Section 62A-11-104. This rule clarifies that an income withholding notice to the Social Security Administration must be limited to 25% of the benefit amount if Social Security is the obligor's sole means of support.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have been no comments received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The statutes under which this rule is enacted are still in effect and this rule is reflected in the current policy, practices, and procedures of ORS. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	David Litvack,	Date:	05/31/2022
or designee,	Deputy Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R527-601	Filing ID: 54106
Effective Date:	05/31/2022	

Agency Information

Agency information				
1. Department:	Human	Human Services		
Agency:	Recover	Recovery Services		
Street address:	515 E 10	00 S		
City, state and zip:	I Salt Lak	Salt Lake City, UT 84102-4211		
Mailing address:	PO Box	PO Box 45033		
City, state and zip:	Salt Lake City, UT 84145-0033			
Contact person(s):				
Name:	Phone:	Email:		
Scott Weight	801- 741- 7435	sweigh2@utah.gov		
Casey Cole	801- 741- 7523	cacole@utah.gov		
Jonah Shaw	385- jshaw@utah.gov 310- 2389			
Please address d	uestions	regarding information on this		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R527-601. Establishing or Modifying an Administrative Award for Child Support

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is enacted under Section 78B-12-203 which requires each parent to provide verification of current income for the purpose of calculating the amount of a child support award under Utah's child support guidelines, and Section 78B-12-201 which permits the moving party in a child support action to submit the best evidence available concerning the other party's income if the financial verification required under Section 78B-12-203 is not available. It also requires that the evidence be provided in affidavit form and that a copy of the affidavit be provided to the other party before the evidence is submitted. This rule defines "best available evidence" and describes the method of providing the affidavit to the other party.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have been no comments received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because the statutes under which it is enacted are still in effect, it describes what is meant by "best evidence available" and specifies the method for providing the non-moving party with an affidavit describing the evidence before the evidence is used in determining the amount of a child support award. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	David Litvack, Deputy Director	Date:	05/31/2022
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION Utah Admin. Code Ref (R no.): R641-100 Filing ID: 51542 Effective Date: 05/17/2022

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining Board	
Building:	Department of Natural Resources	

Street address:	1594 W	1594 W North Temple, Suite 1210		
City, state an zip:	ld Salt Lak	Salt Lake City, UT 84114		
Contact person	(s):	\$):		
Name:	Phone:	Phone: Email:		
Natasha Ballif	801- 589- 5486	589-		
Please address questions regarding information on this notice to the agency.				

General Information

R641-100. General Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-2 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R641-100 provides the rules and procedures required by Title 63G, Chapter 4, "Utah Administrative Procedures Act." The Board must follow for formal adjudicative proceedings. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-101	Filing ID: 51535
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining Board	
Building:	Department of Natural Resources	

Street address:	1594 W	1594 W North Temple, Suite 1210		
City, state and zip:	d Salt Lak	Salt Lake City, UT 84114		
Contact person(s):				
Name:	Phone:	Phone: Email:		
Natasha Ballif	801- natashaballif@utah.gov 589- 5486			
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule catchline:

R641-101. Parties

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Date:	05/17/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-102	Filing ID: 51544
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address questions regarding information on this			

General Information

2. Rule catchline:

R641-102. Appearances and Representations

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R641-103	Filing ID: 51546
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-103. Intervention

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	John Baza, Director	Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-104	Filing ID: 51545
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address	questions	regarding information on this	

General Information

2. Rule catchline:

R641-104. Pleadings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R641-105	Filing ID: 51541	
Effective Date:	05/17/2022		

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-105. Filing and Service

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Date:	05/17/2022
and title:		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-106	Filing ID: 51540
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address questions regarding information on this			

General Information

2. Rule catchline:

R641-106. Notice and Service

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R641-107	Filing ID: 51539	
Effective Date:	05/17/2022		

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-107. Prehearing Conference

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	John Baza, Director	Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-108	Filing ID: 51543
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address questions regarding information on this			

General Information

2. Rule catchline:

R641-108. Conduct of Hearings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R641-109	Filing ID: 51551	
Effective Date:	05/17/2022		

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-109. Decisions and Orders

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Date:	05/17/2022
and title:		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-110	Filing ID: 51549
Effective Date:	05/17/2022	

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining Board	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address questions regarding information on this			

General Information

2. Rule catchline:

R641-110. Rehearing and Modifications of Existing Orders

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-111	Filing ID: 51547
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-111. Declaratory Rulings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,		Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-112	Filing ID: 51548
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address	questions	regarding information on this	

General Information

2. Rule catchline:

R641-112. Rulemaking

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R641-113	Filing ID: 51554
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-113. Hearing Examiners

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Date:	05/17/2022
and title:		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-114	Filing ID: 51550
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address questions regarding information on this			

General Information

2. Rule catchline:

R641-114. Exhaustion of Administrative Remedies

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R641-115	Filing ID: 51557
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-115. Deadline for Judicial Review

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
, . ,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-116	Filing ID: 51560
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov
Please address	questions	regarding information on this

General Information

2. Rule catchline:

R641-116. Judicial Review of Formal Adjudicative Proceedings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-117	Filing ID: 51563
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):		
Name:	Phone:	Email:
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-117. Civil Enforcement

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,		Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R641-118	Filing ID: 51552
Effective Date:	05/17/2022	

1. Department:	Natural Resources
Agency:	Oil, Gas and Mining Board
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state and zip:	Salt Lake City, UT 84114

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	
Please address questions regarding information on this			

General Information

2. Rule catchline:

R641-118. Waivers

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	John Baza,	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R641-119	Filing ID: 51553
Effective Date:	05/17/2022	

Agency Information

1. Department:	Natural Resources	
Agency:	Oil, Gas and Mining Board	
Building:	epartment of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state and zip:	Salt Lake City, UT 84114	

Contact person(s):			
Name:	Phone:	Email:	
Natasha Ballif	801- 589- 5486	natashaballif@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R641-119. Severability

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 40-6-5 gives the Board of Oil, Gas and Mining the jurisdiction to make rules necessary to administer the programs within the Division of Oil, Gas and Mining.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received on this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Section 40-6-5 is still in place and requires this rule to be in place. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,		Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R657-14	Filing ID: 51732
Effective Date:	05/17/2022	

1. Department:	Natural Resources	
Agency:	Wildlife Resources	
Room no.:	Suite 2110	
Building:	DNR – Salt Lake Complex	
Street address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	

Mailing addres	s: PO Box	PO Box 146301		
City, state a zip:	nd Salt Lak	Salt Lake City, UT 84114-6301		
Contact persor	า(s):	s):		
Name:	Phone:	Phone: Email:		
Staci Coons	801- 450- 3093	450-		
Please address notice to the age		regarding information on this		

General Information

2. Rule catchline:

R657-14. Commercial Harvesting of Protected Aquatic Wildlife

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Under Sections 23-14-3, 23-14-18, and 23-14-19, the Wildlife Board is authorized and required to regulate and prescribe the means by which wildlife may be taken.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments supporting or opposing Rule R657-14 were received since June 2017 when this rule was last reviewed.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R657-14 provides the procedures, standards, and requirements for: harvesting protected aquatic wildlife for use as fish bait; commercially harvesting brine shrimp and brine shrimp eggs; and seining protected wildlife. The provisions adopted in this rule are effective. This rule is necessary for continued success for allowing harvesting of protected aquatic wildlife for use as fish bait and seining protected wildlife. Therefore, this rule should be continued.

Agency Authorization Information

	J Shirley, Division	Date:	05/17/2022
or designee,	Director		
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R698-10	Filing ID: 51861
Effective Date:	06/01/2022	

Agency Information

1. Department:	Public Safety		
Agency:	Administration		
Building:	Calvin Rampton Complex		
Street address:	4501 S 2	2700 W, 1st Floor	
City, state and zip:	Salt Lake City, UT 84119-5994		
Mailing address:	PO Box 141775		
City, state and zip:	Salt Lake City, UT 84114-1775		
Contact person(s):			
Name:	Phone: Email:		
Kim Gibb	801- kgibb@utah.gov 556- 8198		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R698-10. Electronic Meetings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Section 52-4-207 which states that rulemaking is required in order for a public body to hold an electronic meeting.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments were received during and since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is authorized under Section 52-4-207, and is necessary to establish procedures for the Department of Public Safety to conduct electronic meetings. Therefore, this rule should be continued.

Agency Authorization Information

	Jess L. Anderson, Commissioner	Date:	06/01/2022
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R714-110	Filing ID: 51911
Effective Date:	06/01/2022	

Agency Information

Public Safety			
Highway Patrol			
Calvin Rampton Complex			
4501 S 2	2700 W		
Salt Lake City, UT 84119-5994			
PO Box 141100			
Salt Lake City, UT 84114-1100			
Contact person(s):			
Phone: Email:			
801- kgibb@utah.gov 556- 8198			
	Public Si Highway Calvin R 4501 S 2 Salt Lake PO Box Salt Lake Salt Lake Salt Lake Salt Lake Salt Lake Salt Lake Salt Lake		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R714-110. Permit to Operate a Motor Vehicle in Violation of Equipment Laws

This rule is authorized under Subsection 53-8-204(5) which states that the Highway Patrol Division shall make rules setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway. Section 41-6a-1602 states that the Department of Public Safety (Department) may issue a permit which will allow temporary operation of a vehicle in violation of the provisions of Title 41, Chapter 6a, or in violation of rules made by the Department.

This rule will be updated following the five-year review to correct out of date statutory references, and to ensure compliance with the Utah Rulewriting Manual.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: This rule is authorized under Subsection 53-8-204(5). This rule is needed so that vehicles that need repairs may still be operated while parts are being ordered or found. This rule is also needed for tinted window waivers for medical and security requests. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Rapich, Colonel UHP	Date:	06/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION Utah Admin. Code Ref (R no.): R714-158 Filing ID: 51915

06/01/2022

Agency Information

Effective Date:

Agonoy informatio		
1. Department:	Public Sa	afety
Agency:	Highway	Patrol
Building:	Calvin Rampton Complex	
Street address:	4501 S 2	2700 W
City, state and zip:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box	141100
City, state and zip:	Salt Lake City, UT 84114-1100	
Contact person(s)	:	
Name:	Phone:	Email:
Kim Gibb	801- kgibb@utah.gov 556- 8198	
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:					
R714-158.	Vehicle	Safety	Inspection	Program	
Requirements					

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Subsection 53-8-204(5) which states that the Highway Patrol Division (Division) shall make rules setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway; establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections; and

establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Subsection 53-8-204(5) states that the Division shall make rules setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway; establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections; and establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Mike Rapich, Colonel UHP	Date:	06/01/2022
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code R714-159 Filing ID: 51913 Ref (R no.):			
Effective Date:	06/01/2022		

Agency Information

• •			
1. Department:	Public Safety		
Agency:	Highway Patrol		
Building:	Calvin Rampton Complex		
Street address:	4501 S 2700 W		
City, state and zip:	Salt Lake City, UT 84119-5994		
Mailing address:	PO Box 141100		
City, state and zip:	Salt Lake City, UT 84114-1100		
Contact person(s)	:		
Name: Phone: Email:			
Kim Gibb	801- kgibb@utah.gov 556- 8198		
Please address questions regarding information on this			

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R714-159. Vehicle Safety Inspection Apprenticeship Program Guidelines

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Subsection 53-8-204(5)(e) which requires the Highway Patrol Division (Division) to make rules establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required under Subsection 53-8-204(5)(e), and is necessary to establish program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Rapich, Colonel UHP	Date:	06/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R714-200	Filing ID: 51928
Effective Date:	06/01/2022	

1. Department:	Public Safety	
Agency:	Highway Patrol	
Building:	Calvin Rampton Complex	
Street address:	4501 S 2700 W	
City, state and zip:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141100	
City, state and zip:	Salt Lake City, UT 84114-1100	

Contact person(s):			
Name:	Phone:	Email:	
Kim Gibb	801- 556- 8198	kgibb@utah.gov	
Please addres	10.00	regarding information on th	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R714-200. Standards for Vehicle Lights and Illuminating Devices

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 41-6a-1601(2)(c)(iv) states that 49 CFR 571 Standard 108 related to lights and illuminating devices is adopted. Section 41-6a-1620 states that the Department of Public Safety (Department) shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required under this part. It states that the department shall consider the part for approval within a reasonable time after approval has been requested. It also states that the Department shall establish a procedure for the submission, review, approval, disapproval, issuance of an approval certificate, and the expiration or renewal of approval for any part mentioned above. Subsection 53-1-106(1)(a) states that the Department shall make rules and perform the functions specified in Title 41. Chapter 6a. Traffic Code.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Subsection 41-6a-1601(2)(c)(iv) states that 49 CFR 571 Standard 108 related to lights and illuminating devices is adopted. Section 41-6a-1620 states that the department shall approve or disapprove any lighting device or other safety equipment, component or assembly of a type for which approval is specifically required under this part. It states that the Department shall consider the part for approval within a reasonable time after approval has been requested. It also states that the Department shall establish a procedure for the submission, review, approval, disapproval, issuance of an approval certificate, and the expiration or renewal of approval for any part mentioned above. Subsection 53-1-106(1)(a) states that the Department shall make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code. This rule helps keep vehicles safe and help reduce distractions from improper lighting on vehicles. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Rapich, Colonel UHP	Date:	06/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION Utah Admin. Code Ref (R no.): R714-210 Filing ID: 51921

06/01/2022

Agency Information

Effective Date:

Agency information			
1. Department:	Public Safety		
Agency:	Highway Patrol		
Building:	Calvin Rampton Complex		
Street address:	4501 S 2	2700 W	
City, state and zip:	Salt Lake City, UT 84119-5994		
Mailing address:	PO Box 141100		
City, state and zip:	Salt Lake City, UT 84114-1100		
Contact person(s)	:		
Name:	Phone:	Email:	
Kim Gibb	801- kgibb@utah.gov 556- 8198		
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:

R714-210. Standards for Motor Vehicle Air Conditioning Equipment

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Subsection 41-6a-1601(2)(a) which states the Department of Public Safety (Department) shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16. In addition, Subsection 41-6a-1601(2)(c)(v) states that 40 CFR 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment are adopted. Section 41-6a-1640 states that a person may not operate a motor vehicle on a highway if

the motor vehicle is equipped with air conditioning equipment unless the air conditioning equipment complies with the specifications adopted under Section 41-6a-1601 and Section 41-6a-1640. Subsection 53-1-106(1)(a) states that the department shall make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Subsection 41-6a-1601(2)(a) states the Department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part and that 40 CFR 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment are adopted under Subsection 41-6a-1601(2)(c)(v). Subsection 53-1-106(1)(a) states that the Department shall make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code. Therefore, this rule should be continued.

Agency Authorization Information

3			
Agency head or designee,	Mike Rapich, Colonel UHP	Date:	06/01/2022
and title:			

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	le R714-300 Filing ID: 51923		
Effective Date:	06/01/2022		

Agency Information

0 3	
1. Department:	Public Safety
Agency:	Highway Patrol
Building:	Calvin Rampton Complex
Street address:	4501 S 2700 W
City, state and zip:	Salt Lake City, UT 84119-5994
Mailing address:	PO Box 141100
City, state and zip:	Salt Lake City, UT 84114-1100

Contact person(s):			
Name:	Phone:	Email:	
Kim Gibb	801- 556- 8198	kgibb@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R714-300. Standards for Motor Vehicle Braking Systems

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Section 41-6a-1601 which states that the Department of Public Safety (Department) shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part. Section 41-6a-1623 states that the in addition to the requirements of Subsections 41-6a-1623(1) and (2) if necessary for safe operation, the Department may by rule require additional braking systems in accordance with federal standards. Subsection 53-1-106(1)(a) states that the Department shall make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required under Section 41-6a-1601 which states that the Department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part. Section 41-6a-1623 states that the in addition to the requirements of Subsections 41-6a-1623(1) and (2), if necessary for safe operation, the Department may by rule require additional braking systems in accordance with federal standards. This rule is necessary in order to adopt federal standards for motor vehicle braking systems. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Rapich, Colonel UHP	Date:	06/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

	ah Admin. Code ef (R no.):	R714-550	Filing ID: 51933
Ef	fective Date:	06/01/2022	

Agency Information

Agency informatio	gency mornation			
1. Department:	Public S	afety		
Agency:	Highway Patrol			
Building:	Calvin R	ampton Complex		
Street address:	4501 S 2	2700 W		
City, state and zip:	Salt Lake City, UT 84119-5994			
Mailing address:	PO Box 141100			
City, state and zip:	Salt Lake City, UT 84114-1100			
Contact person(s)	:			
Name:	Phone: Email:			
Kim Gibb	801- kgibb@utah.gov 556- 8198			
Diagon address questions regarding information on this				

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R714-550. Rule for Spending Fees Provided under Section 53-1-117

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized under Section 53-1-117 which states that the commissioner shall make rules establishing criteria and procedures for granting money to law enforcement agencies for providing equipment, including drug and alcohol testing equipment; funding the training and overtime of peace officers; and managing driving under the influence related abandoned vehicles.

This rule establishes protocols and guidelines in establishing a committee that oversees the distribution of fees gathered through DUI driver license sanctions and DUI impound fees. This committee reviews applications for equipment and authorizes funding for DUI enforcement shifts in the state.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have not been any comments received during or since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required under Section 53-1-117, and establishes protocols and guidelines and a committee that oversees the distribution of fees gathered through DUI driver license sanctions and DUI impound fees. The committee reviews applications for equipment and authorizes funding for DUI enforcement shifts in the state. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Rapich, Colonel UHP	Date:	06/01/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION			
Utah Admin. Code Ref (R no.):	R850-4 Filing ID: 52023		
Effective Date:	05/26/2022		

Agency Information

1. Department:	School and Institutional Trust Lands			
Agency:	Administ	Administration		
Room no.:	Suite 50	0		
Street address:	675 E 50)0 S		
City, state and zip:	Salt Lake City, UT 84102-2818			
Contact person(s)	:			
Name:	Phone:	Email:		
Mike Johnson	801- 538- 5180	mjohnson@utah.gov		
Lisa Wells	801- lisawells@utah.gov 538- 5154			
Please address questions regarding information on this notice to the agency.				

General Information

2. Rule catchline:

R850-4. Application Fees and Assessments

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 53C-1-302(1)(a)(ii) authorizes the Director of the School and Institutional Trust Lands Administration (SITLA) to adopt rules necessary to fulfill the purposes of Title 53C.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary as it allows the agency to establish a list of fees that may be charged in order to recoup some of the costs of doing business. The assessment of these fees is established pursuant to policy set by the Board of Trustees and assists the Trust in fulfilling its fiduciary responsibility in behalf of the various trust beneficiaries. Therefore, this rule should be continued.

Agency Authorization Information

Agency head		Date:	05/17/2022
or designee,	McConkie,		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-5 Filing ID: 53569	
Effective Date:	05/26/2022	

Agency Information

1. Department:	School and Institutional Trust Lands			
Agency:	Administration			
Room no.:	Suite 50	Suite 500		
Street address:	675 E 50	675 E 500 S		
City, state and zip:	Salt Lak	Salt Lake City, UT 84102-2818		
Contact person(s):				
Name:	Phone:	Email:		
Mike Johnson	801- 538- 5180	mjohnson@utah.gov		
Lisa Wells	801- 538- 5154	lisawells@utah.gov		
Please address questions regarding information on the notice to the agency.				

General Information

2. Rule catchline:

R850-5. Payments, Royalties, Audits, and Reinstatements

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsections 53C-1-302(1)(a)(ii) and 53C-1-303(1)(b) authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to established procedures and rules for the management of the trust lands.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rules sets forth the guidelines and procedures necessary for protecting the assets of the various beneficiaries in the course of leasing and selling trust assets. Guidelines for the audit of leases ensures that the trust assets are being protected and the trust beneficiaries are receiving full value for their lands. This rule is necessary for the day to day operations of the Trust. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Michelle	Date:	05/17/2022
or designee,	McConkie,		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-6	Filing ID: 53745
Effective Date:	05/26/2022	

1. Department:	School a	nd Institutional Trust Lands		
Agency:	Administ	Administration		
Room no.:	Suite 500			
Street address:	675 E 50	00 S		
City, state and zip:	Salt Lake City, UT 84102-2818			
Contact person(s)	a):			
Name:	Phone:	Email:		
Mike Johnson	801- 538- 5180	mjohnson@utah.gov		
Lisa Wells	801- 538- 5154	lisawells@utah.gov		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R850-6. Government Records Access and Management

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Sections 63G-2-204, 63G-2-603, and 53C-2-102, and Subsection 53C-1-201(3)(a)(i)(A) direct and authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to adopt rules that provide guidelines for public access to Trust records and protect confidential information that is provided to the Trust.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required by statute in order to establish guidelines for public access to Trust records, as well as the protection of confidential and protected information provided to the Trust in the course of managing the interests of the various Trust beneficiaries. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Michelle	Date:	05/17/2022
or designee,	McConkie,		
and title:	Director		

FIVE	E-Y	ΕA	R I	ΤΟΝ	ICI	E OF REVIEW AN	D
STA	TE	ME	ΕΝΤ	OF	С	ONTINUATION	
				-			

Utah Admin. Code Ref (R no.):	R850-30	Filing ID: 53572
Effective Date:	05/26/2022	

Agency Information

1. Department:	School and Institutional Trust Lands
Agency:	Administration
Room no.:	Suite 500
Street address:	675 E 500 S
City, state and zip:	Salt Lake City, UT 84102-2818

Contact person(s):		
Name:	Phone:	Email:
Mike Johnson	801- 538- 5180	mjohnson@utah.gov
Lisa Wells	801- 538- 5154	lisawells@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R850-30. Special Use Leases

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsections 53C-1-302(1)(a)(ii) and 53C-4-101(1) authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to prescribe the standards and conditions for the leasing and development of surface resources on trust lands.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Statute requires the Trust to establish rules outlining procedures for the issuance of special use leases on trust lands. The Trust manages a vast amount of surface estate for the benefit of the trust beneficiaries and these guidelines are crucial to the successful management of that estate. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Michelle	Date:	05/17/2022
or designee,	McConkie,		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-40	Filing ID: 52049
Effective Date:	05/26/2022	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Information

1. Department:	School and Institutional Trust Lands		
Agency:	Administration		
Room no.:	Suite 500		
Street address:	675 E 500 S		
City, state and zip:	Salt Lake City, UT 84102-2818		
Contact person(s)	:		
Name:	Phone:	Email:	
Mike Johnson	801-	mjohnson@utah.gov	
	538- 5180		

Please address questions regarding information on this notice to the agency.

General Information

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R850-40. Easements

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Sections 53C-1-302 and 53C-4-203 authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to establish rules for the issuance of easements on, through, and over trust lands; and to establish price schedules for this use.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

SITLA manages a vast amount of surface estate for the benefit of the trust beneficiaries. Easements are one of the many uses for the surface estate and statute specifically requires the Trust to provide rules for the issuance of easements and establish price schedules at fair market value. This rule meets the statutory requirement for issuance of easements on trust land. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Michelle McConkie,	Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE STATEMENT OF CO)	
Utah Admin. Code Ref (R no.):	R850-50	Filing ID: 52038
Effective Date:	05/26/2022	

Agency Information

1. Department:	School and Institutional Trust Lands		
Agency:	Administration		
Room no.:	Suite 500		
Street address:	675 E 500 S		
City, state and zip:	Salt Lake City, UT 84102-2818		
Contact person(s)	person(s):		
Name:	Phone: Email:		
Mike Johnson	801- 538- 5180	mjohnson@utah.gov	
Lisa Wells	801- 538- 5154	lisawells@utah.gov	
Please address questions regarding information on this notice to the agency.			

General Information

2. Rule catchline:

R850-50. Range Management

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 53C-1-302-(1)(a)(ii) and Section 53C-5-102 authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to establish rules prescribing standards and conditions for the utilization of forage and related development of range resources on trust lands.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Statute requires that guidelines for the grazing of livestock on trust lands be established. Range management provides a resource for local ranchers to utilize in their agricultural operations, as well as an additional source of revenue for the trust beneficiaries. This rule provides the criteria to meet statute requirements. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Michelle McConkie,	Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R850-60	Filing ID: 52048
Effective Date:	05/26/2022	

Agency Information

-9				
1. Department:	School and Institutional Trust Lands			
Agency:	Administration			
Room no.:	Suite 50	0		
Street address:	675 E 50	00 S		
City, state and zip:	Salt Lake City, UT 84102-2818			
Contact person(s):				
Name:	Phone:	Email:		
Mike Johnson	801- 538- 5180	mjohnson@utah.gov		
Lisa Wells	801- 538- 5154	lisawells@utah.gov		
Please address ou	estions i	equire and the second s		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R850-60. Cultural Resources

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Sections 9-8-305 and 9-8-404 mandate the preservation and protection of all antiquities, historic and prehistoric ruins, historic sites, buildings, and objects. Subsections 53C-1-302(1)(a)(ii) and 53C-2-201(1)(a) authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to prescribe the management of those cultural resources located on trust lands.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

As required by statute, this rule provides the guidelines whereby the School and Institutional Trust Lands Administration manages the cultural resources located on trust lands, in compliance with Subsection 9-8-305(2) and Section 9-8-204. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Michelle McConkie, Director	Date:	05/17/2022
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R850-80	Filing ID: 53407
Effective Date:	05/26/2022	

Agency Information

-37				
1. Department:	School and Institutional Trust Lands			
Agency:	Administration			
Room no.:	Suite 50	0		
Street address:	675 E 50	00 S		
City, state and zip:	Salt Lake City, UT 84102-2818			
Contact person(s):				
Name:	Phone:	Email:		
Mike Johnson	801- 538- 5180	mjohnson@utah.gov		
Lisa Wells	801- lisawells@utah.gov 538- 5154			
Please address ou	lections r	egarding information on this		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R850-80. Sale of Trust Lands

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsections 53C-1-302(1)(a)(ii) and 53C-4-101(1) authorize the Director of the School and Institutional Trust Lands Administration (SITLA) to prescribe the terms and conditions for the sale of trust land.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by SITLA for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary as it sets forth the procedures and guidelines for determining if and when it is in the best interests of the trust beneficiaries to sell portions of the surface estate. It also sets forth the process for establishing and receiving fair market value for the lands available for sale. Therefore, this rule should be continued.

Agency Authorization Information

		Deter	05/47/0000
Agency head	wichelle	Date:	05/17/2022
or designee,	McConkie,		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND

STATEMENT OF CONTINUATION				
Utah Admin. Code Ref (R no.):	R850-160	Filing ID: 52060		
Effective Date:	05/26/2022			

Agency Information

Administ Suite 50		
Suite 50		
)	
	-	
675 E 50	0 S	
Salt Lake City, UT 84102-2818		
Contact person(s):		
Phone: Email:		
801- 538- 5180	mjohnson@utah.gov	
801- 538- 5154	lisawells@utah.gov	
	Phone: 801- 538- 5180 801- 538-	

notice to the agency.

General Information

2. Rule catchline:

R850-160. Withdrawal of Trust Lands from Public Target Shooting

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Pursuant to Section 53C-2-105 which was amended in S.B. 72, passed in the 2016 General Session, the purpose of this rule is to establish a process for the withdrawal of trust lands from public target shooting and to withdraw

1,533.68 acres of trust land in the Eastern Lake Mountains area from public target shooting.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by the School and Institutional Trust Lands Administration for this rule since the new rule was approved.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

There is a history of continued abuse and degradation of trust assets due to illegal dumping and littering, use of unsafe targets, damage to sensitive archaeological sites, wildfires, and risk to public safety that stems from public target shooting. This rule sets forth general definitions, exemptions, planning, and consultation processes required for the withdrawal of specifically designated trust lands from public target shooting. This rule also withdraws 1,533.68 acres of trust lands in the Eastern Lake Mountains area from public target shooting. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee,	Michelle McConkie,	Date:	05/17/2022
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Utah Admin. Code Ref (R no.):	R982-101	Filing ID: 54537
Effective Date:	05/17/2022	

1. Department:	Workforce Services		
Agency:	Administration		
Building:	Olene W	alker Building	
Street address:	140 E 30	00 S	
City, state and zip:	Salt Lake City, UT 84111		
Mailing address:	PO Box 45244		
City, state and zip:	Salt Lake City, UT 84145-0244		
Contact person(s):			
Name:	Phone: Email:		
Amanda B. McPeck	801- ampeck@utah.gov 526- 9653		

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R982-101. Americans with Disabilities Complaint Procedure

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

28 CFR 35.107 requires a public entity with 50 or more persons, such as the Department of Workforce Services (DWS), to adopt and publish a grievance procedure for complaints alleging discrimination on the basis of disability. Title II of the Americans with Disabilities Act, 42 USC 12131 et seq., authorized 28 CFR 35.107. Sections 35-1-104 and 63G-3-201 authorize DWS to issue administrative rules.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments received during the past five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required to comply with federal law. DWS receives federal funding, which is dependent on compliance with federal law. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Casey Cameron,	Date:	05/17/2022
or designee,	Executive		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

(Utah Admin. Code Ref (R no.):	R982-201	Filing ID: 54393
Effective Date:	05/18/2022	

Agency Information

1. Department:	Workforce Services	
Agency:	Administration	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state and zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 45244	

City, state zip:	and Salt Lak	Salt Lake City, UT 84145-0244	
Contact person(s):			
Name:	Phone:	Email:	
Amanda B. McPeck	801- 526- 9653	ampeck@utah.gov	

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R982-201. Government Records Access and Management Act

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Utah Government Records Access and Management Act at Section 63G-2-204 requires the Department of Workforce Services (DWS) to establish rules for requesting access to DWS records. This rule complies with that act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received in the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to ensure that DWS is in compliance with Section 63G-2-204. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Casey Cameron,	Date:	05/18/2022
or designee,	Executive		
and title:	Director		

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Ref (R no.):	R982-601	Filing ID: 54394
Effective Date:	05/17/2022	

1. Department:	Workforce Services	
Agency:	Administration	
Building:	Olene Walker Building	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address	:	140 E 300 S		
City, state a zip:	nd	Salt Lake City, UT 84111		
Mailing addres	s:	PO Box 45244		
City, state a zip:	nd	Salt Lake City, UT 84145-0244		
Contact person(s):				
Name: Phone: Email:		Email:		
Amanda B. McPeck		801- ampeck@utah.gov 526- 9653		
Please address questions regarding information on th				

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:

R982-601. Provider Code of Conduct

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 35A-1-104 authorizes the Department of Workforce Services (DWS) to contract with other agencies, people, or entities in the performance of its duties and provide services to eligible persons. That section also authorizes DWS to adopt rules which help administer its services. This rule delineates responsibilities of providers and establishes a code of conduct that all providers must follow. The code of conduct requires all providers to comply with Utah and federal laws.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received in the last five years.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The rule is necessary to ensure that all providers understand and comply with expected conduct and state laws to protect vulnerable clients. Therefore, this rule should be continued.

Agency Authorization Information

Agency head	Casey Cameron,	Date:	05/17/2022
or designee,	Executive		
and title:	Director		

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the 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.

Government Operations Purchasing and General Services No. 54463 (Amendment) R33-1: Utah Procurement Rules, General Procurement Provisions Published: 04/15/2022 Effective: 05/23/2022

No. 54464 (Amendment) R33-2: Rules of Procedure for Procurement Policy Board Published: 04/15/2022 Effective: 05/23/2022

No. 54465 (Amendment) R33-4: Supplemental Procurement Procedures Published: 04/15/2022 Effective: 05/23/2022

No. 54466 (Amendment) R33-5: Other Standard Procurement Processes Published: 04/15/2022 Effective: 05/23/2022

No. 54467 (Amendment) R33-6: Bidding Published: 04/15/2022 Effective: 05/23/2022

No. 54468 (Amendment) R33-7: Request for Proposals Published: 04/15/2022 Effective: 05/23/2022

No. 54469 (Amendment) R33-8: Exceptions to Standard Procurement Process Published: 04/15/2022 Effective: 05/23/2022

No. 54470 (Amendment) R33-9: Cancellations, Rejections, and Debarment Published: 04/15/2022 Effective: 05/23/2022 No. 54471 (Amendment) R33-12: Terms and Conditions, Contracts, Change Orders and Costs Published: 04/15/2022 Effective: 05/23/2022

No. 54472 (Amendment) R33-24: Unlawful Conduct and Ethical Standards Published: 04/15/2022 Effective: 05/23/2022

Risk Management No. 54473 (Amendment) R37-4: Adjusted Utah Governmental Immunity Act Limitations on Judgments Amendments Published: 05/01/2022 Effective: 07/01/2022

Agriculture and Food Administration No. 54442 (Amendment) R51-6: Agricultural Advisory Board Electronic Meetings Published: 04/15/2022 Effective: 06/01/2022

No. 54443 (Amendment) R51-7: Open and Public Meetings Act Electronic Meetings Published: 04/15/2022 Effective: 06/01/2022

Conservation Commission No. 54444 (Amendment) R64-2: Conservation Commission Electronic Meetings Published: 04/15/2022 Effective: 06/01/2022

Plant Industry No. 54519 (Amendment) R68-3: Utah Fertilizer Rule Published: 05/01/2022 Effective: 06/08/2022

NOTICES OF RULE EFFECTIVE DATES

No. 54517 (Amendment) R68-5: Grain Inspection Published: 05/01/2022 Effective: 06/08/2022 No. 54518 (Amendment) R68-6: Utah Nursery Act Published: 05/01/2022 Effective: 06/08/2022 No. 54512 (Amendment) R68-11: Quarantine Pertaining to the Emerald Ash Borer Published: 05/01/2022 Effective: 06/08/2022 No. 54514 (Amendment) R68-14: Quarantine Pertaining to the Gypsy Moth - Lymantria Dispar Published: 05/01/2022 Effective: 06/08/2022 No. 54515 (Amendment) R68-15: Quarantine Pertaining to Japanese Beetle, Popillia japonica Published: 05/01/2022 Effective: 06/08/2022 No. 54516 (Amendment) R68-18: Quarantine Pertaining to Karnal Bunt Published: 05/01/2022 Effective: 06/08/2022 No. 54511 (Amendment) R68-19: Compliance Procedures Published: 05/01/2022 Effective: 06/08/2022 No. 54504 (Amendment) R68-20: Utah Organic Standards Published: 05/01/2022 Effective: 06/08/2022 No. 54534 (Amendment) R68-27: Cannabis Cultivation Published: 05/01/2022 Effective: 06/08/2022 No. 54535 (Amendment) R68-30: Independent Cannabis Testing Laboratory Published: 05/01/2022 Effective: 06/08/2022 No. 54536 (Amendment) R68-32: Sale and Transfer of Industrial Hemp Waste Material to Medical Cannabis Cultivators Published: 05/01/2022 Effective: 06/08/2022 **Regulatory Services** No. 54446 (Amendment) R70-520: Standards of Identity and Labeling Requirements for Honey Published: 04/15/2022 Effective: 06/01/2022

Commerce Real Estate No. 54391 (Amendment) R162-2f: Real Estate Licensing and Practices Rules Published: 04/15/2022 Effective: 05/25/2022

Education Administration No. 54526 (Amendment) R277-110: Educator Salary Adjustment Published: 05/01/2022 Effective: 06/07/2022

No. 54525 (New Rule) R277-124: Teacher Bonuses for Extra Assignments Published: 05/01/2022 Effective: 06/07/2022

No. 54527 (Amendment) R277-301: Educator Licensing Published: 05/01/2022 Effective: 06/07/2022

No. 54528 (Amendment) R277-312: Online Educator Licensure Published: 05/01/2022 Effective: 06/07/2022

No. 54529 (Amendment) R277-433: Disposal of Textbooks in the Public Schools Published: 05/01/2022 Effective: 06/07/2022

No. 54475 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP Published: 04/15/2022 Effective: 05/24/2022

No. 54530 (Amendment) R277-489: Kindergarten Entry and Exit Assessment - Enhanced Kindergarten Program Published: 05/01/2022 Effective: 06/07/2022

No. 54476 (Amendment) R277-613: LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Published: 04/15/2022 Effective: 05/24/2022

No. 54477 (New Rule) R277-628: School Libraries Published: 04/15/2022 Effective: 05/24/2022

No. 54478 (Amendment) R277-801: Services for Students who are Deaf, Hard of Hearing, blind, Visually Impaired, and Deaf-Blind Published: 04/15/2022 Effective: 05/23/2022

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No. 54479 (Amendment) R277-915: Work-based Learning Programs Published: 04/15/2022 Effective: 05/24/2022

Environmental Quality Environmental Response and Remediation No. 54457 (New Rule) R311-402: Utah Hazardous Substances Priority List Published: 04/15/2022 Effective: 05/23/2022

Waste Management and Radiation Control, Radiation No. 54410 (Amendment) R313-12-3: Definitions Published: 04/01/2022 Effective: 05/16/2022

No. 54411 (Amendment) R313-19-100: Transportation Published: 04/01/2022 Effective: 05/16/2022

<u>Health</u>

Child Care Center Licensing Committee No. 54342 (Amendment) R381-40: Commercial Preschool Programs Published: 02/01/2022 Effective: 06/01/2022

No. 54343 (Amendment) R381-60: Hourly Child Care Centers Published: 02/01/2022 Effective: 06/01/2022

No. 54344 (Amendment) R381-70: Out of School Time Child Care Programs Published: 02/01/2022 Effective: 06/01/2022

No. 54345 (Amendment) R381-100: Child Care Centers Published: 02/01/2022 Effective: 06/01/2022

Disease Control and Prevention, Environmental Services No. 54382 (Amendment) R392-301: Recreational Vehicle Park Sanitation Published: 03/15/2022 Effective: 05/31/2022

No. 54381 (Amendment) R392-702: Cosmetology Facility Sanitation Published: 03/15/2022 Effective: 05/31/2022

Health Care Financing, Coverage and Reimbursement Policy No. 54413 (Amendment) R414-308: Application, Eligibility Determinations, Improper Medical Assistance, and Suspension of Benefits Published: 04/01/2022 Effective: 05/31/2022

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Family Health and Preparedness, Emergency Medical Services No. 54386 (Amendment) R426-2: Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews Published: 03/15/2022 Effective: 05/31/2022

No. 54387 (Amendment) R426-5: Emergency Medical Services Training, Endorsement, Certification, and Licensing Standards Published: 03/15/2022 Effective: 05/31/2022

Family Health and Preparedness, Child Care Licensing No. 54346 (Amendment) R430-8: Exemptions from Child Care Licensing Published: 02/01/2022 Effective: 06/01/2022

No. 54347 (Amendment) R430-50: Residential Certificate Child Care Published: 02/01/2022 Effective: 06/01/2022

No. 54348 (Amendment) R430-90: Licensed Family Child Care Published: 02/01/2022 Effective: 06/01/2022

Family Health and Preparedness, Primary Care and Rural Health No. 54496 (Repeal) R434-20: Behavioral Health Workforce Reinvestment Initiative Published: 05/01/2022 Effective: 06/07/2022

No. 54497 (Amendment) R434-40: Utah Health Care Workforce Financial Assistance Program Published: 05/01/2022 Effective: 06/07/2022

<u>Human Services</u> Aging and Adult Services No. 54291 (Repeal and Reenact) R510-100: Funding Formulas Published: 02/01/2022 Effective: 06/01/2022

Services for People with Disabilities No. 54228 (Repeal and Reenact) R539-4: Behavior Interventions Published: 01/15/2022 Effective: 05/23/2022

No. 54228 (Change in Proposed Rule) R539-4: Behavior Interventions Published: 04/15/2022 Effective: 05/23/2022

NOTICES OF RULE EFFECTIVE DATES

Insurance Administration No. 54481 (Amendment) R590-170: Fiduciary and Trust Account Obligations Published: 04/15/2022 Effective: 05/26/2022

No. 54524 (Repeal and Reenact) R590-173: Credit for Reinsurance Published: 05/01/2022 Effective: 06/07/2022

No. 54520 (Amendment) R590-196: Bail Bond Premium and Fee Standards, Collateral Standards, and Disclosure Form Published: 05/01/2022 Effective: 06/07/2022

No. 54521 (Amendment) R590-199: Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans Published: 05/01/2022 Effective: 06/07/2022

No. 54482 (Amendment) R590-203: Health Grievance Review Process Published: 04/15/2022 Effective: 05/26/2022

No. 54483 (Amendment) R590-241: Preferred Mortality Tables to Determine Minimum Reserve Liabilities Published: 04/15/2022 Effective: 05/26/2022

No. 54522 (Amendment) R590-271: Data Reporting for Consumer Quality Comparison Published: 05/01/2022 Effective: 06/07/2022

Natural Resources Water Resources No. 54485 (New Rule) R653-10: 2021 Grant Money for Metering Existing Secondary Water Systems Published: 04/15/2022 Effective: 06/01/2022

Pardons (Board of) Administration No. 54489 (Amendment) R671-203: Victim Input and Notification Published: 05/01/2022 Effective: 06/09/2022 No. 54490 (Amendment) R671-205: Credit for Time Served Published: 05/01/2022 Effective: 06/09/2022

No. 54509 (Repeal and Reenact) R671-207: Custody Transfer for Mentally III Offenders and Mentally Decompensating Offenders Published: 05/01/2022 Effective: 06/09/2022

No. 54487 (Amendment) R671-308: Offender Hearing Assistance Published: 05/01/2022 Effective: 06/09/2022

No. 54488 (Amendment) R671-311: Special Attention Reviews, Hearing and Decisions Published: 05/01/2022 Effective: 06/09/2022

No. 54493 (Amendment) R671-315: Pardons Published: 05/01/2022 Effective: 06/09/2022

No. 54492 (Amendment) R671-403: Restitution Published: 05/01/2022 Effective: 06/09/2022

No. 54508 (New Rule) R671-404: Restitution and Other Costs Applicable to Persons Sentenced on or After July 1, 2021 Published: 05/01/2022 Effective: 06/09/2022

No. 54491 (Amendment) R671-405: Parole Termination Published: 05/01/2022 Effective: 06/09/2022

Public Safety Driver License No. 54451 (Amendment) R708-41: Requirements for Acceptable Documentation, Storage and Maintenance Published: 04/15/2022 Effective: 05/24/2022

Highway Patrol No. 54441 (Amendment) R714-560: Technology and Equipment for Officer-Involved Critical Incident Investigation Published: 04/15/2022 Effective: 05/24/2022

End of the Notices of Rule Effective Dates Section